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THE THEORY OF RELIGIOUS LIBERTY IN THE REIGNS OF CHARLES II AND JAMES II

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THE THEORY OF RELIGIOUS LIBERTY IN THE REIGNS OF CHARLES II AND JAMES II

BY

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ST JOHN'S COLLEGE, CAMBRIDGE

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PREFACE

THE following Essay, which was awarded the Thirlwall Medal for 1911, is published in the form in which it was submitted to the Adjudicators. The subsequent appearance of Mr Seaton's book, dealing with similar problems, has induced me not to delay its publication. Any attempt to expand it would lead to much unnecessary repetition of what he has already written.

The period with which I have dealt, suggesting, as it does, the Clarendon Code, the Test Acts, and the Exclusion Bills, is not generally associated with the spirit of tolerance. I have tried to show that, in spite of the contradictory trend of legislation, there was a definite theory of religious liberty, which was asserted from their own points of view by the Nonconformists, the Rational Theologians, and the Whigs. Although it may be true that toleration was given largely from empirical motives, the work of those who prepared the way by forming and popularising the theory must not be underestimated. I have therefore treated toleration on its theoretical side, introducing other aspects only so far as they contributed to the formation of the political theory.

I have made more use of the pamphlet literature of the period than of any one other source of information, because "the bent and genius of any age is best known by the pamphlets and papers that come daily out as the sense of parties and sometime the voice of the nation[1]." I have added a short bibliography at the end of the essay, to indicate the principal sources on which I have relied. In this I have not attempted to enumerate the pamphlets, sermons, and controversial writings which I have consulted. I have only indicated the most important of those which were most famous at the time, those which have an intrinsic value of their own, and those which appear to me to represent in a typical manner the ideas and opinions of the age.

My best thanks are due to Mr E. A. Benians of St John's College for reading through the proofs of an essay which was written mainly at his instigation.

[1] Preface to Kennet's *Register*.

H. F. R. S.

St John's College,
Cambridge.
July, 1911.

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CHAPTER I

TOLERATION AND THE AGE OF THE RESTORATION

"A Spanish lady coming not long since to see this house, seated in a large plaine, out of the middel of a rock, and a river brought to the top of the mountaine, with the walks and fountaines; ingeniously desired those that were present not to pronounce the name of our Saviour; lest it should dissolve the beautiful enchantment."

ALGERNON SIDNEY, *in a letter to his father.*

Toleration Act.

IN 1689 the Bill of "Indulgence to Dissenters" passed both Houses of Parliament and duly received the royal signature. This Act, generally known to posterity as the Toleration Act, is a landmark both in political and in ecclesiastical history. It is true that the principle of toleration was not granted. The debates in the Commons[1] and the title of the Act, which merely "exempts their Majesties Protestant Subjects, differing from the Church of England, from the Penalties of certain Laws" illustrate this. But what was refused in principle, was granted in practice. Dissenters who were willing to take the oaths of allegiance and supremacy, subscribe to a declaration against transubstantiation, and declare their belief in thirty-six out of the thirty-nine Articles (omitting

[1] Cf. Anchitell Grey, *Debates*, x. p. 261, etc.

the three which deal with the power of the Church to regulate ceremonies, the Book of Homilies and the Ordination Service) were given permission to hold services for religious worship in licensed conventicles. Special provisions were made in favour of Baptists and Quakers; Roman Catholics, Unitarians, Deists and Atheists were expressly excluded. Henceforward a man might be a citizen of England without being a member of the English Church. Limitations were introduced by Statute into the medieval idea of the State. Politics were beginning to be separated from theology.

Letter on Toleration.

In the same year that the Bill of Indulgence to Dissenters was passed, but later in that year, the famous *Epistola de Tolerantia*, written by Locke to Limborch three years previously, was translated into English[1]. The publication of this book marks a new stage in the history of English thought no less than the passing of the Toleration Act in English politics. The connection between the Bill and the book was probably not direct. It may have been that Locke showed his youthful essay on "Toleration," of which the famous letter is but an expansion, to his friend and patron Lord Shaftesbury, and through such a medium circulated his ideas in the Whig party. But the book was written neither as an appeal for, nor a justification of, an Act of Toleration. It was merely published in the same year.

The culmination of a consistent movement towards Toleration.

The Toleration Act and the Letter on Toleration were not productions of startling novelty or

[1] The Bill became law on May 24th; the translation of the letter was licensed on October 3rd.

originality. In 1660 Charles II returned to England pledged by the Declaration of Breda to grant ease to tender consciences. In 1664 the Lords debated a Bill, which would give the King power to dispense with the Act of Uniformity in particular cases. In 1667–8 the whole question of Toleration again came up in Parliament. In 1672 the King's famous Declaration of Indulgence was issued, followed by a general pardon to Quakers. In 1673 a Bill for the "Ease of Protestant Dissenters" was passed by the Commons, although rejected by the influence of the Bishops in the Lords. In 1681 a Toleration Bill passed both Houses of Parliament and only met with rejection from the Crown. In 1687 and 1688 James II issued his two Declarations of Indulgence. All these measures contained proposals that did not differ in anything but detail from the successful Bill of 1689. In a similar fashion Williams, Milton, Penn, Taylor, More, followed by unnumbered pamphleteers, had long been uttering the same arguments that Locke used. There was opposition to both the Act and the Letter. But the Act was in a concrete manner successful; and after the Letter the doctrine of toleration became sufficiently orthodox in England to assure its ultimate triumph. The Roman Catholics had to wait over a hundred years before they obtained the same degree of religious liberty as the Nonconformists, having in the meantime to submit to disabilities far more serious than had ever fallen to the lot of the Nonconformists. The upholders of persecution and the medieval connection between politics and theology

were still powerful. But after 1689 there was a definite practice and a definite theory (the one going far beyond the other), for England to go back upon at her risk.

The position of the supporters of toleration.

During the period with which we are dealing, the supporters of toleration had a position to attack as well as a system to defend. To them this seemed preposterous because they looked upon Liberty of Conscience as a "natural right," and considered it incumbent on those, who had usurped this right, to justify their position. But as circumstances had imposed on them the necessity they were prepared to accept it. They set to work to attack the medieval system of theological politics.

It is impossible here to explain the origin of this in the supposed commands of Christ to establish His Kingdom on earth in the form of a universal visible church; its history from the decree of Constantine, which established Christianity throughout the Holy Roman Empire, to the transference of the idea in miniature to a National Church of England under Henry VIII; its philosophy from St Thomas Aquinas and Dante—the one emphasising the dominance of the ecclesiastical, the other of the temporal arm—through Hooker to Andrewes, Laud, Thorndike and the other members of the Anglo-Catholic school. The fact of importance is that this system existed in England from the reign of Henry VIII to the Great Rebellion and, though temporarily interrupted, was restored in 1660 under Charles II.

There were two possible ways of modifying the system of a State-Church. In a letter to Limborch

written in 1689 Locke summarised them. "In Parliament the question of Toleration has begun to be discussed under two designations, Comprehension and Indulgence. By the first is meant a wide expansion of the Church, so as by abolishing a number of obnoxious ceremonies to induce a great many dissenters to conform. By the other is meant the allowance of civil rights to all, who in spite of the broadening of the National Church, are still unwilling or unable to become members of it[1]." In other words comprehension meant a toleration of differences within the church, and indulgence a toleration of differences outside the church. It is possible to have the one without the other, as subsequent history has shown. But in the seventeenth century it was impossible to see on which lines the question would be finally worked out. Bills of Comprehension came before Parliament no less frequently than Bills of Toleration[2]. The offers of bishoprics to many of the leading Presbyterians at the Restoration, and the popularity of the works of Hales, Chillingworth and Taylor might have almost justified a prophecy that the church would be settled on a comprehensive basis. In this uncertainty even those, who realised that schemes of comprehension were sometimes put forward in hope of getting a Church sufficiently large to crush all the more radical forms of dissent[3]—in fact that comprehension is a weapon of attack against indulgence—

[1] Fox Bourne, *Life of Locke*, II. p. 150.

[2] *E.g.*, in the years 1660, 1667, 1673, 1675, 1681.

[3] Cf. Penn's *England's present Interest discover'd*, 1675, p. 53.

pleaded for it none the less[1]. This was partly, no doubt, due to selfish motives. Every sect would prefer to have liberty to hold its own doctrines within a tolerant Church rather than to be proscribed for holding them outside it. And, whoever argued against comprehension, could hardly expect to be included in any practical scheme of union. But there is a more genuine connection between the movements. Both of them represented a spirit of breadth and tolerance and a recognition of the impossibility of a complete uniformity, if not of the positive right to difference of opinion. Where they differ is that the movement for comprehension is in itself no movement against the medieval unity of Church and State. "Only indeed," says a modern writer, "where real toleration exists can politics be non-theological; and *vice versa* only where the idea of theocracy is abandoned, can there be a real toleration[2]." A survey of subsequent history has made it possible to make this generalisation. In the seventeenth century it seemed equally practicable to arrive at toleration of differences of opinion and at the same time to maintain the territorial and political unity of Church and State. And so the advocates of liberty of conscience are found pleading sometimes for comprehension, sometimes for, what they call indifferently indulgence or toleration, and sometimes for both.

[1] Penn's *Address to Protestants upon the present conjuncture*, 1679.

[2] J. N. Figgis in *Cambridge Modern History*, III. p. 740.

Meaning of Toleration, Indulgence, etc.

These four terms were not carefully distinguished. Liberty of conscience and toleration were almost interchangeable, though the former term really looks at the question from the point of view of the oppressed, and the latter from the point of view of the oppressor. There was even less distinction between the terms toleration and indulgence. Neither of them, like liberty of conscience, imply that religious liberty is a natural right. But the term indulgence, which Charles II and James II were so fond of using, and which we have seen was the title of the Bill of 1689, seems to carry with it more emphatically than the term toleration, the implication that the existing state of things is right, but that departures from it will merely be magnanimously connived at. Dissenters used the term realising that it had a less obnoxious and radical sound to the royal and parliamentary ear. In many cases they seemed to forget that the principle for which they consciously or unconsciously stood was one by which the terms indulgence and toleration would themselves be intolerable. The term comprehension was naturally not confused with the other three. Comprehension was looked on as one of the possible ways of receiving indulgence, toleration and the right of liberty of conscience. The principle, for which all these expressions stand, is one—the freedom to hold and give public expression to differences of opinion in matters which are purely religious.

Degree of toleration in 1689.

In practice this was conceded in 1689. The corollary, that differences of opinion in matters

purely religious should have no effect on the civil status of those who hold them, was not granted. The Test Act and Corporation Act were left unrepealed. But most of the members of those sects, which were recognised by the Toleration Act, were willing to receive the Sacrament according to the rites of the Church of England once during the year, and so to qualify themselves for a certain number of public posts.

The Restoration an age of reaction and reflection.

The Age in which the principle of toleration was struggling for recognition was in many ways prepared to accept it. Religious liberty had been in no way complete under the Commonwealth. Roman Catholics, Anglicans and Quakers had all been persecuted. It had been necessary for preachers to be licensed by the famous Board of Triers. But liberty and variations in religious beliefs had been permitted to a degree entirely unparalleled in English history. When once a new form of freedom has been granted to a nation, it is very difficult to take it back. At the Restoration the new form of freedom *was* taken away. There was a strong feeling of discontent at the sectarianism and disorder, which had been prevalent, and the reaction was almost inevitable. It affected both Milton and Taylor, the two greatest writers on toleration in its two aspects that England had produced. The few pamphlets that Milton published after the Restoration show an entirely different spirit from the *Areopagitica*. Taylor accepted a bishopric in a Church of England that was deaf to his teachings. The nation welcomed a return to the old order of things,

to which it had been accustomed. But this reaction by its nature could be but temporary. The constitutional government and religious liberty, for which the Civil War had been fought, had not been won; the problem for which men had bled was not yet settled. However, men were given an opportunity to debate the whole question of tyranny in Church and State in a calmer and more reasonable manner. They could ask themselves why the liberty, which had been given them under the Commonwealth, had been a failure. They could form a theory of toleration. There was still something of idealism in men's attitude. There is that in every age. But as an age of reaction the Age of the Restoration was a practical age. It could but postpone the return to the liberty which was still remembered, and serve to divorce that liberty from the licence into which it had degenerated.

Urbanity of the period.

After the severe and dogmatic assertiveness of the preceding age, an altogether lighter note was struck. During the Restoration satire began to be popular in poetry and prose alike. The theatre again was thronged. The coffee-house became an institution. It was the age which Pepys loved so well, the age of Barbara, Duchess of Cleveland, Louisa, Duchess of Portland, "Nellie," and Charles II's little spaniels. The court openly laughed at religion and made pursuit of pleasure the chief object of existence. It was an age that posterity looks back on with an extraordinary fondness, but an age that the more serious minds of the day regarded with unspeakable misgiving. Dr Owen, the great

Independent divine, writing in the year 1676 of the irreligion, which he saw throughout the world at that time, but dealing in particular with his own country, deplored the combination of the more refined love of pleasure, characteristic of the French, with what he considered already to be the national English vice of "sensuality in eating and drinking[1]." But prophets gave their warnings to deaf ears.

They saw with misgiving the reflection of this spirit in the world of religion producing, as it did, either atheism or a form of sceptical deism, or else Roman Catholicism, the "genteel" religion, which is indulgent to sinners[2]. They did not see the other side of the question, the way in which this new spirit was humanising men's intellects and toning down something of their harshness and uncharitableness. But however unconscious of the fact they were, this further influence was at work. It was his sense of humour more than anything else that made the gentle Andrew Marvell support toleration. Smiling at the absence of humour in the bitter attacks of the bishops on the Dissenters, he selected one of their number, Samuel Parker, the author of the *Ecclesiastical Polity*, as the butt for his gentle satire. In the *Rehearsal Transprosed* he answered the bishop. He followed through the dogmas of what he called the "Pushpin" divinity—the idea "that there cannot a pin be pulled out of the

[1] *Works*, VIII. p. 207.

[2] Cf. Halifax's "Character of Charles II," printed in Foxcroft's *Life and letters of Sir George Savile*. Cf. also Somers' *Tracts*, IX. p. 47.

Church but the State immediately totters," and comparing the Church to the ivy that grows up an old church tower, remarked that "there is nothing more natural than for the ivy to be of opinion that the church cannot stand without its support[1]." His conclusion was that the intolerant bishops only needed a little more poetry in their natures. D'Avenant had through that medium arrived at a truth which Parker's controversial methods could never teach him. The four lines from *Astragon*

> "For prayer the ocean is where diversely
> Men steer their course each to a several coast,
> Where all our interests so discordant lie
> That half beg winds by which the rest are lost"

form the basis of a theory of toleration[2]. A greater man than D'Avenant saw the poetry in the perfection, where "out of many moderate varieties and brotherly dissimilitudes that are not vastly disproportional arises the godly and graceful symmetry that commands the whole pile and structure[3]."

Marvell's book was a protest against the harshness and inhumanity in the attitude of a persecuting religion. At the same time he did not wish to go to the other extreme. What he wanted to show was that "it is not impossible to be merry and angry...without profaning and violating those things which are and ought to be most sacred[4]." His urbanity did not lead him at once to take refuge

[1] *Rehearsal Transprosed*, p. 132.
[2] *Ibid.*, p. 323.
[3] Milton, *Areopagitica*.
[4] *Rehearsal Transprosed*, p. 326.

in atheism, scepticism or Roman Catholicism; it led him to the remaining alternative—toleration.

Modern writers rightly point out that the tolerance, which is prompted by a love of pleasure or a sense of humour, is not the highest kind[1]. Nevertheless it maintains the essential principle of toleration, that men have a right to differences of opinion in religion, even though the argument be put on no higher plane than an analogy between the treatment of men's consciences and their stomachs. The following is typical of the pamphleteering of the period. In private life men are sufficiently civil not to force one another's stomachs, or press on anybody a thing against which he has an antipathy. "Forasmuch as conscience is greater than stomach...how much more should persons, especially protestants, be thus friendly one to another in matters of conscience[2]." Such arguments were not valueless to an age that laid great store by civility of manners. They serve to show that some of the advocates of toleration connected the urbanity of the age with the movement for which they stood. This urbanity was one of the little things which was preparing England for the recognition of a great principle.

The Whigs.

It must not be imagined that a violent reaction against the strictness of the Roundheads spread over the entire land. The old Puritan ideals were

[1] Phillips Brooks' *Lectures on Tolerance*, p. 19. The writer describes it as "the tolerance of pure indifference, the mere result of aimless good nature."

[2] Somers' *Tracts*, IX. p. 50. Cf. also *Rehearsal Transprosed*, p. 248. Baxter remarks (VI. p. 195) "that you may as well tell everyone to take the same size in shoes."

still cherished in all their strictness by the dissenting element within the nation. Controversy was still as bitter and dogmatic as it had been in the preceding age. The sectarian spirit was almost as strong. But the important fact to realise is that the reaction was widespread among the aristocracy. The new families, enriched by Henry VIII with gifts of land confiscated from the abbeys and monasteries, had now achieved power, and were growing to be the leaders of the nation. England had started upon her period of oligarchy. Public opinion was guided by the Court, the Church, the Universities. The clamours of obscure sects could not be heard except when voiced by the great. It is because they were voiced by the great that these clamours were heard and the movement for liberty of conscience became the foremost question of the day. Toleration for the sects was one of the leading items on the programme of the nascent Whig party. The result was that when Whiggism triumphed at the Revolution, a certain degree of toleration could not be withheld. Throughout the Rebellion and the Commonwealth the movement for religious liberty had been wrapped up in the movement for political liberty. The rise of democracy was due more to the doctrines of the Separatists than to any other one thing. On the temporary downfall of the democratic idea the movement for religious liberty became fortunately identified with the new oligarchic movement. Shaftesbury, Buckingham and Halifax (to name the most famous of the Whig lords) were consistent in their support of it. Such men as

these, were, says Trevelyan, "the best characteristic product of Restoration Society" in that they "prescribed for the State the unpopular regimen of Toleration[1]."

Why did they do it? Because they were influenced by two other great movements both of which are inconsistent with religious persecution.

Rationalist tendencies of the age

Scepticism followed almost inevitably upon the dogmatism of the Reformation. Nowhere was the number of sects and dogmas greater than in the England of the Rebellion, and to search for Truth among a hundred creeds seemed a weary task. Does Truth exist at all? men asked, and if so, How may she be found? An answer to this question had been given in France by one who was destined to be one of the greatest forces of his age, Descartes. He opposed a rational philosophy to the old dogmatism, and claimed that truth is not to be discovered in formulae but in the mind of man. He set up Reason as the sole authority, and maintained that religion must have a rational and not a purely traditional basis. The Cartesian philosophy quickly took root in Cambridge, where the traditional respect for the omnipotence of Aristotle was less strong than in Oxford, and from this centre spread over England.

exhibit themselves in latitudinarianism—deism—and atheism

It took three forms. The so-called Latitudinarians and the Cambridge School of Platonists represented by such men as Whichcote, Smith, Cudworth and More insisted on the necessity of a rational use of the word of God as revealed in the

[1] *England under the Stuarts*, p. 449.

Bible, and asserted the vanity of dogmatising. Religion was a very real thing with these men, and atheism seemed the greatest sin. They accepted the truth of the Bible, but saw in it a breadth and a depth entirely incompatible with any narrow or exclusive dogmatism.

In the second place, in such minds as those of Charles II, Shaftesbury and Sir William Temple, rationalism led to a sort of sceptical deism. By reason we know that there is a God. We know no more.

In the third place, it gave to those who desired it a philosophical basis for an atheism to which they had been already led by their indifference to all forms of religion. Conformists and Nonconformists alike agreed in condemning these "apes of wit and pedants of gentility that would make atheism the fashion[1]." Where they differed was that the one party put it down to the religious liberty, which had existed under the Commonwealth, and saw in it the inevitable result of the dogmatic controversies that ensued, a weariness and indifference to all forms of religion. The other party argued that atheism is the logical outcome of the hypocrisy which a compelled conformity will produce. If membership of the Church of England is a necessary qualification for office or citizenship men are tempted to conform solely for political ends. To such religion cannot be a very real thing. French history for the next century was to prove with unmistakable clearness that persecution does not always achieve its own

[1] Parker, Introduction to *Ecclesiastical Polity*, 1670, p. xxi.

ends. The connection of the revocation of the Edict of Nantes in 1685 with the universal atheism and scepticism, which preceded the Revolution, is very genuine. Both parties condemned the fact and gave their own systems as the remedy. The modern world sees that there is none, but echoes the judgment of Browning that the atheism which comes from a hypocritical conformity is the worst kind—

> "He is of all men irreligiousest
> Religion's parasite."

But even those who were not attracted by latitudinarianism, scepticism or atheism, were affected by this new spirit. The new learning had put an end once and for all to the old blind following of authority. The liberty, which England had enjoyed under Cromwell, had done its work. "Though in some well chosen and dearly beloved auditories good resolute nonsense backed with authority may prevail," said Halifax, such a state of things is the exception and not the rule. "Now the world is grown saucy and expecteth reasons, and good ones too, before they give up their own opinions to other men's dictates, though never so magisterially delivered to them[1]." There is further testimony of Burnet that "the laity as well as the clergy were possessed with a generous emulation of surpassing one another in all kinds of knowledge[2]." And the sermons of the time tell the same tale.

and are reinforced by natural science.

The teachings of the new science pointed in the

[1] In the *Trimmer*, Foxcroft, II. p. 308.

[2] *History of My own Time* (Everyman's edition), p. 47.

same direction. It was gradually realised that dogmatic assertions which had been accepted for some thousand years without a murmur were entirely wrong. In medicine especially there was a complete revolution of method. Harvey had not long since discovered the circulation of the blood, and men like Boyle, Sydenham and Locke had broken away from the scholastic doctrine and were forming theories drawn not from books but from experiments. From the time when Columbus discovered a continent that had never been dreamt of by monks or scholars, the old unquestioning reverence for authority was in process of being quietly laid aside.

Boyle, who was perhaps the greatest of all the scientists at the time of the Restoration, illustrates well the prevailing tendencies of scientific thought and their bearing on religious beliefs. He never tired of warning students of chemistry against accepting the teachings either of the past or the present day concerning the subject of their study. His ideal was expressed in the title of his most popular scientific work, *The Sceptical Chymist*, where he emphasised the value of individual research and experiment and the comparative unimportance of all the scholastic learning. He deliberately encouraged scepticism in science.

His attitude towards authority in religion was the same as his attitude towards authority in science. A firm believer in Christianity, he wrote a treatise against atheism, and was one of the leaders in the new movement for the propagation of the Gospel in

foreign lands[1]. But he refused to accept blindly and irrationally every doctrine that had been handed down as authoritative. If he was a sceptic, he was no more of a sceptic than were the Cambridge Platonists. He accepted the Bible as did the majority of the leaders of the scientific movement, but he refused to hold dogmatic opinions upon controversial points dealing with nothing but the superstructures of religion, and as such was one of the great supporters of toleration of the age. The scientific spirit questioned dogma, not religion. In lodging its protest against the dogmatic theology on which the persecuting spirit was nurtured, it was paving the way for the reception of the principle of liberty of conscience.

Utilitarianism.

The second great movement which first finds prominence in Charles II's reign is utilitarianism. Just as the foundation of the Royal Society in 1660 marks the establishment of the rationalist movement in England, the foundation in the same year of the permanent committee of the Privy Council to look after the commerce of the nation illustrates the growth of utilitarianism. "Trade" was the war-cry of the Whigs. "Delenda est Carthago," since Dutch competition threatens the trade of England. Slowly the Whig doctrine began to be evolved that government exists primarily for the security of property. The essential duty of the State is to preserve men's bodies and not to save their souls.

[1] *Excellency of Theology compared with Natural Philosophy*, 1673.

There is not much room for persecution in such a conception of the State.

The fear of Roman Catholicism.

Both rationalism and utilitarianism are eventually traceable to the individualism which followed the liberation of the intellect from authority at the Renaissance and Reformation. But there was still a real danger that Europe would be once more caught in the nets of Roman Catholicism. The reigns of Charles II and James II are contemporaneous with the triumph of Louis XIV in Europe. The Romanising tendencies of the Stuart Kings due to their French ancestry and foreign education were fully realised both in England and France. The Queen of England was a Catholic, and not a few of the great members of the royal court. England's peril seemed almost as great as it had been in the days of the greatness of Spain. The Gallican Church, of which Louis XIV was the champion, was not often in sympathy with Rome. In 1688 the Pope was seen allied with the Calvinist Sovereign of the Netherlands against the Catholic King, Louis XIV. But the Roman and the Gallican Church alike claimed to have complete control over the individual mind, even if they differed in the application of their principle.

In this peril all the parties in England awoke. Conformists vied with Nonconformists in preaching and writing against Popery. Pamphlets on this subject were more numerous than on any other one theme[1]. The Fire of London was laid to the charge

[1] Two anti-papal journals were formed *The Popish Courant* and *The Weekly pacquet of advice from Rome.*

of the Roman Catholics. The panic that passed over England at the revelations of the infamous Oates is almost unparalleled in English history. The cry for a Protestant succession was taken up by the Whigs, as that alone seemed likely to secure the individual liberty for which their party was beginning to stand.

Did this fear of Popery make the path easier for the supporters of toleration? It made it difficult to discover a principle, on which Dissent could be allowed, while Popery was prohibited. And the belief, which appears to have been justified, that papists masqueraded in the clothes of dissenting ministers, and Jesuits posed as Quakers, was used throughout the period as an argument against the practicability of such a toleration. The accusation that "nonconformists, some of them at least, do receive or have received, money from the Papists, to act their affairs and promote their interest[1]" is not uncommon. Owen is compelled to make the following emphatic assertion. "I do avow that never any one person in authority, dignity or power, in the nation nor anyone that had any relation unto public affairs, nor any from them, Papist or Protestant, did once speak one word to me or advise with me about any indulgence or toleration to be granted unto Papists[2]." The more far-seeing of the Nonconformists were as free from blame as Owen in this respect. They refused to welcome with open

[1] The Preface to "An enquiry into the original nature...of evangelical churches," printed in vol. xv. of Owen's *Works*.

[2] *Ibid.*, p. 191.

arms the various Declarations of Indulgence which they saw were intended primarily for the Catholics and incidentally for themselves. Others sent addresses of thanks at their publication. Thus, although they did not act as a body in their attitude towards schemes of toleration that included the Papists, many of the Nonconformists were found in alliance with the Church of England in opposition to indiscriminate and illegal indulgence. In this way the bitterness of their old controversy had temporary cessations, and moderate Churchmen together with lovers of the constitution looked with more sympathy at the demands of their enemies. The existence of the popish panic cut both ways. It made for temporary persecution. The champions of the Church of England became stricter in their enforcement of the penal laws by way of counteracting the royal grants of Indulgence. Finally it made for toleration. For it gave to the Nonconformists an opportunity to prove their loyalty and to answer in a concrete manner the charges, which were continually made against them, that they were bad citizens.

Love of constitutional liberty in the age.

In one respect further the age of the Restoration was one suited to the acceptance of doctrines of religious liberty. An intense respect for the constitution, which was identified with the laws and liberties of England, began now to be a motive power in politics. The Whig party, which was called into existence at this time by that force, began to speak of it in terms of reverence. They were preparing it for the apotheosis, to which it

was going to be subjected by Burke. The cynic traces the doctrines of the party to the one word property; but to the Whigs a respect for property seemed but a part of the worship of the laws and liberties of England. Liberty had not yet been made a goddess, but all her lovers claimed her as a "natural right," which prerogative had impaired. There had always been in England a great respect for the common law. The common law and the system of centralised justice had made England a contented and well governed country, as compared with other European nations. Englishmen were justly proud of it and connected their liberty with their laws. Liberty had not yet come to represent the absence of State interference. It meant rather the absence of royal interference. For that reason Magna Carta was looked on as the greatest of the laws of England, and was ever on the lips of the politicians of the day. The three things that the ideal Whig must love, are law, liberty, the constitution[1]. The ideal Whig "owneth a passion for Liberty, yet so restrained that it doth not in the least impair or taint his allegiance; he thinketh it hard for a soul that doth not love liberty ever to raise itself to another world; he taketh it to be the foundation of all virtue and the only seasoning that giveth a relish to life[2]." He is proud of the balance between monarchy and democracy in the constitution, and sees that the contests of liberty and prerogative are not signs of ill omen. They are

[1] Halifax, *Trimmer*.
[2] *Ibid.*, p. 295.

like the winds which clear the scum off a stagnant pool. "The whole frame instead of being torn or disjointed cometh to be the better and closer knit by being thus exercised[1]."

The cause of religious liberty had been closely connected with that of civil liberty during the struggles that preceded the Commonwealth. It was now being realised that this connection was something more than a coincidence[2]. It was one of Harrington's "Political Aphorisms" that "where civil liberty is entire, it includes liberty of conscience. Where liberty of conscience is entire, it includes civil liberty." The same thinker elsewhere explains that even if instances of tyrants granting liberty of conscience are not uncommon, there is no security for it, where civil liberty is wanting[3]. The Nonconformists realised this, who refused to welcome open-armed the arbitrary Declarations of Indulgence that were offered to them by the two Kings, preferring to wait for an Act of Parliament in the indefinite future.

It is for this reason that Dissenters, though notorious law breakers, where their religion was concerned, were looked on as supporters of law. As lovers of liberty they were lovers of the laws. In the tracts and pamphlets that poured forth from the press during the period the royal prerogative and the dispensing power were cried down on

[1] *Ibid.*

[2] Acton, *History of Freedom and other Essays*, p. 52, assigns the discovery of this truth to the seventeenth century.

[3] *A word concerning the House of Peers*, 1659.

every page. It is, said Shaftesbury, the alliance of kings and bishops, which has "truck't away the right and liberties of the people in this and all other countries, whenever they have had opportunity[1]." And so the Whig Lords had a further connection with the cause of toleration. It was because they posed as champions of liberty even more than because they were sceptics and utilitarians that they were led into an alliance with the Dissenters.

Toleration and the Rebellion.

It is comparatively easy to arrive at toleration, when it is prompted by an indifference or breadth of view. This was the path along which the Whig Lords travelled. In a history of the human soul the place, which they would take, must be small as compared with the heroes of the Rebellion, who were ready to die for a point of theology. With an intense desire to find truth themselves the latter fought all who seemed to have a feebler desire. They persecuted all who tried to search for her with the blind eye of authority, rather than the seeing eye of the soul. But, at the same time, all who seemed to be seeking truth at the fountains of truth, they tolerated. Forged with the nature of persecutors they trained themselves to tolerate, because they felt the greatness of truth and the sanctity of those who sought her by paths other than their own. It was this spirit that animated Milton. It made him condemn the uniformity which brought with it nothing but "gross conforming

[1] *Letter from a Person of quality to his friend in the country*, 1675.

stupidity." It made him glory in the England of the Rebellion—"the eagle muing her mighty youth and kindling her undazzled eyes at the full midday beam," while the nations of Europe, "the timorous and flocking birds with those that love the twilight flutter about amazed at what she means and when God shakes a Kingdom with strong and healthy commotions" merely prognosticate a year of sects and schisms. Not a few people saw the necessity of differences of opinion. Milton realised their positive value. Life was to him a battle to be fought and a race to be run—an impossibility with no opponents.

Toleration and the Restoration.

The Whig Lords accepted the doctrines of toleration without feeling the throes which their fathers had felt. There would have been nothing to tolerate had not this other spirit survived among the English people as a whole. It did survive. Differences and controversies were still acute. The necessity for toleration was made real, and, to those who received it, it was a more genuine thing than to the sceptics who gave it.

But nevertheless in the history of toleration in the age of the Restoration the rationalist and utilitarian spirit of those who gave it plays a large part. Progress in thought during the period was not rapid. Much of what was written in 1689 might have been written in 1660. There was no great climax, no chain of events leading up to one great moment. There was a consistent and monotonous cry for toleration from the beginning to the end of the period. It was supported by the

two great movements, which were taking root in England. Rationalism and the idea of a free and secular State both owe their rise to the freedom of the intellect from authority at the Reformation. But both the movements, which sprang from this source, had advanced to further stages than the movement of religious liberty, from which they had arisen. The order was now reversed, and these two forces helped to bring to a second birth their parent movement.

Arguments from reason and utility were used by all classes. Men who were primarily interested in philosophy or commerce enlisted themselves on the side of the Nonconformists. Finally Locke, the great rationalist and utilitarian, gathered together the threads which in a more or less tangled form were wound about the whole discussion, and formulated the complete theory of toleration which the age was endeavouring to express.

CHAPTER II

TOLERATION AND THE SECULAR STATE

"I am a King of men not of consciences."
SAYING OF STEPHEN, KING OF POLAND.

§ 1.

Political theory of the Nonconformists.

THE Nonconformists of the Restoration were not conscious political scientists, but succeeding as they did to the Separatists they rendered no small service to political science. They were the most consistent advocates of the separation of the State and the Church. The Baptists and the Quakers were the leaders in the movement, having met with the heaviest persecution themselves, and holding doctrines less easy to reconcile with those of the Established Church than the Independents. The Independents were more cautious, as many of them were not unwilling, together with the Presbyterians, to return to the Church of England, if it were established on a broader and more liberal basis. But with the exception of the Presbyterians, whose system had already been established in England for fifteen years[1], all the Nonconformists stood for the separation of Church and State.

The sphere of the magistrate in religion.

They felt very strongly on the question of ceremonies and condemned with the violence, which is

[1] From 1645 to 1660.

produced by strong feeling, any system by which the magistrate had power to enforce, what they considered to be superfluous ceremonies. They were far from excluding morality from his sphere of action. On the contrary they held that the magistrate was bound by his duty to God to use his power to make men moral and religious[1]. But they were ready to suffer death or persecution for the principle that men must worship their God according to the forms which their conscience dictates. What is right to the strong conscience may be wrong to the weak conscience. Men's consciences differ no less than their bodily forms. To worship God is right to all men, but certain forms of worship are to some wrong.

There appear to have been two separate views among the Nonconformists on the question of ceremonies. To some, ceremonies in themselves seemed sinful. They were something more than ceremonies, something more than relics of Popery; they were a barrier between God and the soul of the worshipper. Bunyan in *Grace Abounding*—the history of his religious belief, the biography of his conscience—gives a vivid and extraordinary description of the state of mind, which his favourite occupation of bell-ringing produced in him. As he rang the bells a sense of sin would seize hold of him with such violence that he would rush headlong from the

[1] Cf. Owen, "Of Toleration," *Works*, III. pp. 181–206. Also III. p. 385, "If once it comes to that, that you have nothing to do with religion as rulers of the nation, God will quickly manifest that He hath nothing to do with you as rulers of the nation."

Church tower in terror that the bells would fall on his head and kill him for his wickedness.

What Bunyan felt about bell-ringing large classes of Dissenters felt about other ceremonies. Bunyan felt that God would be justified in slaying him on the spot for ringing the church bells; others felt that they must be condemned to eternal damnation if they committed the sin of observing certain ceremonies.

To many more of the Dissenters ceremonies in themselves were things of indifference. They became unlawful when they were enforced by the civil magistrate. To use the Prayer Book, which was neither good nor bad, was a sin, inasmuch as it was an act of submission to human authority in matters of religion[1].

The latter view concerning ceremonies has the more direct bearing on the question of toleration. Those, who like Bunyan maintained that they were wrong in themselves would naturally object to their enforcement. Those, who asserted that the sin consisted in submitting to human authority in matters of religion, were brought face to face with the question at issue. What is the sphere of the magistrate in religion? In answering this question they arrived at a new conception of the relations between Church and State. The new theory was not the invention of the Nonconformists of the Restoration. They inherited it from the writers of

[1] Cf. Baxter's Tract, *The judgment of the Nonconformists...of things indifferent commanded by authority*, 1676. Cf. also Grey's *Debates*, I. p. 422. Cf. also *Parl. Hist.* IV. p. 139.

the times of the Commonwealth. But by their persistent assertion of it they made it none the less their own. They added arguments applicable to the peculiar condition of their age, and they never rested till they had procured its recognition in a partial degree by the Statute of 1689.

Erastianism and theocracy.

The two original Protestant systems, the Lutheran and the Calvinistic, had both maintained the territorial unity of Church and State. Each Lutheran state was a representation in miniature of the Holy Roman Empire of which it was a part, every citizen being necessarily a Lutheran as much as every citizen in the Empire had been a Christian. The point of difference was that the Lutheran system was what is broadly known as Erastian. That is to say, disputes in matters of religion were settled by the "prince" or civil head of the state, and punishments for all offences were administered by his tribunal. Lutheran priests were in theory office-bearers in the State, rather than a class set apart in the Church. The Calvinistic system was similar to the Lutheran, with the positions of Church and State reversed. Geneva was more fully theocratic than Rome had ever been. The magistrate was in theory an official in the Church to administer punishment to all sorts of crime as sin.

These were the two systems which the national Churches of England and Scotland respectively adopted.

Although Henry VIII wrote a book against Luther he virtually assumed the position of a Lutheran prince in England. The Church and

State were united by statute in his person; the King in Chancery was made the final Court of Appeal in matters ecclesiastical; and the sovereign received the right to "visit" the dioceses of his ecclesiastical dominion. The religion of the land changed with the religion of the sovereign. With Edward VI as King it was the statutory duty of Englishmen to profess the Protestant religion; with Mary as Queen the great religious statutes of the Reformation Parliament were repealed. Under Elizabeth Protestantism was once more established, and James I had it in his power to hearken to the Hampton Court Conference with sympathy and establish a system of a still more Puritan nature. Although the English system was to this extent Erastian the dependence of Church on State was in practice less. The sovereign was always in the habit of following the advice of the Church as represented by the episcopate. It was the mind of Laud that dominated the ecclesiastical movement of his day. But the movement became tyrannical, when his wishes were enforced by the authority of Charles I and the civil arm.

In Scotland, so far as Presbyterianism was universal, a national theocracy was established. The Books of Discipline became in a sense the written constitution of the land.

Hobbism.

In addition to these Erastian and theocratic systems there was one other, which also maintained the territorial unity of Church and State. Hobbism was never anything but a theory; but it was a theory, which profoundly influenced the age

of the Restoration. It was really a logical extension of Erastianism, as churchmen themselves saw[1]. Starting from his two fundamental positions, (i) that religion, whether of human or divine origin, is only accepted because it makes men "more apt to obedience, laws, peace, charity and civil society[2]"; (ii) that "the Commonwealth is but one person[3]" and therefore must have one religion, Hobbes was compelled to put the Church in complete subordination to the State; otherwise there would be what seemed to him the impossible situation of a dual sovereignty in a single commonwealth[4]. Not only was the State to assist the Church in inflicting punishments for spiritual offences; it was to have the entire regulation of religious questions. A church is nothing more than "a company of men professing Christian religion, united in the person of one sovereign, at whose command they ought to assemble and without whose authority they ought not to assemble[5]." All other assemblies are unlawful.

Idea of the National Church.

In Erastianism, theocracy, and Hobbism the idea of the National Church was upheld with equal persistence. The supporters of the Church of England denounced all three systems alike. In reality they combined them. They believed that the civil magistrate had authority to enforce statutes dealing solely with religion; they believed that the

[1] Cf. Thorndike, *Works*, v. p. 99 ff.
[2] Hobbes, *Leviathan*, edition Routledge's, London, p. 71.
[3] *Ibid.*, p. 249.
[4] *Ibid.*, pp. 222, 322.
[5] *Ibid.*, p. 321.

magistrate must never use his power without advice from the Church; they believed that the sovereign had power to dictate the religion of his subjects. Hooker was able to say that all Englishmen are Anglicans[1]. Which being so, it was the same to all men, whether the civil magistrate had power in matters of religion or not. It was far otherwise in 1660, when large sections of the population of England had broken away from the established Church. The Churchmen of the Restoration lived under conditions in which they could only say that all Englishmen *ought* to be Anglicans because of the supreme necessity of the national form of Church. They recognised the existence of a different form of worship in the Churches of the Walloons and Huguenots, who had taken refuge in various parts of England, and went so far as to order collections in church for the maintenance of their pastors[2]. The preface of the Prayer Book was careful to explain that the Church of England only claimed the allegiance of the English people.

Knox had defended the National Church of Scotland on similar grounds. "I speak of the people assembled together in one body of a Commonwealth, unto whom God has given sufficient force, not only to resist, but also to suppress all kinds of open idolatry....God required one thing of Abraham and his seed, when he and they were strangers and pilgrims in Egypt and Canaan; and another thing required he of them, when they were

[1] *Ecclesiastical Polity*, VIII. p. 330.

[2] *Camden Soc. Publications*, LXXXII. p. xviii.

delivered from the bondage of Egypt and the possession of the land of Canaan granted unto them... when God gave unto them the possession of the land, he gave unto them this straight commandment. 'Beware that you make league or confederacy with the inhabitants of this land, cut down their groves, destroy their images, break down their altars, and leave there no kind of remembrance of these abominations, which the inhabitants of the land used before; for thou art one holy people unto the Lord thy God. Defile not thyself therewith with their gods[1].'" Where there is a nation there must be a corresponding national form of worship.

To the majority of people religion appeared to be the very foundation of all government. They drew an analogy between the Church and the State on the one hand and the soul and the body on the other hand. The national Church being the soul of the nation, the separation of Church and State involves the destruction of the State. Some felt that the Church would be destroyed no less than the State by their separation, because the observance of the Christian law depends so much on its statutory obligation[2].

Those who did not defend National Churches on grounds of necessity defended them on grounds of convenience, as being the most suitable for peoples whose political community is national[3]. All alike

[1] Laing's edition of Knox's *Works*, II. p. 442.

[2] Cf. Thorndike, *Works*, v. p. 72.

[3] The passage in Denton, *Ius Caesaris et Ecclesiae*, p. 58, is typical.

followed Hooker in defending them from Scripture and using the Jewish Kingdom as a pattern for all time. At the Restoration the Canon still remained unrepealed which required an oath affirming "that the King's majesty hath the same authority in causes ecclesiastical that the godly Kings had among the Jews and Christian emperors of the primitive Church."

The analogy of the Jewish theocracy.

When the Dissenters attacked the system of National Churches as the first step towards advocating toleration, they had to give an explanation of the position of Church and State among the Jews and show that it is a false analogy to a modern National Church. They were entirely successful in their explanation of the position of the Jewish Kings as heads of a united State and Church. They pointed out that the conditions of Palestine before Christ's doctrine of universal salvation was delivered were altogether different from those of Christian Kingdoms[1]. Jewish Kings were given spiritual power by a definite divine command as rulers of Jehovah's chosen people, and anointed with oil as types of the Christ to come. Now Christ Himself is the only King of the Church[2]. "Answer Hooker," was the perpetual cry of the upholders of the Church of England during the Restoration[3]. In

[1] Cf. Owen, *Works*, XIII. p. 562.

[2] Roger Williams, *Bloudy Tenent of Persecution*, pp. 305 and 372, in the edition prepared by the Hanserd Knollys Society.

[3] The sentiment expressed in Parker's *Ecclesiastical Polity*, p. 200, is typical.

this respect Roger Williams answered him. It is true that the Puritans had substituted the authority of the Bible for the authority of the priest, and that some Puritans accepted the authority of stray scriptural texts more blindly than the Roman Catholics the authority of their priests. But others felt the absurdity of a literal application of the Old Testament to modern times, and gave warnings to that effect[1].

In their attempts to make the distinction, which had seemed unnecessary in the Jewish theocracy, between questions of morality and questions of religious ceremonial, they were less successful. This distinction must be made before toleration can be granted. For if it can be shown that all forms of the Christian religion contain the same doctrines of morality and differ only in ceremonial, the necessity of identifying the State with one particular form of ceremonial ceases. If the two cannot be distinguished, the necessity of unity of Church and State must still be emphasised. The line which was taken by the Dissenters was this. The decalogue is divided into the two tables. The first table asserts man's duty to God, the second man's duty to his neighbour. According to the practice of the Anglican Church the magistrate was "custos utriusque tabulae." On the contrary, the Dissenters maintained his sphere is really confined to the second table. The question was not destined to be worked out on these identical lines. Blasphemy is

[1] Roger Williams, *Bloudy Tenent*, pp. 243, 276.

still a civil offence, and adultery and covetousness are not punishable by the civil magistrate[1]. The second table itself confuses sin and crime, morality as it affects the inward soul of the individual, and morality as it affects the community, no less than the whole decalogue confused morality with ceremonial. The Dissenters saw the question rather than answered it.

Roger Williams.

The three greatest advocates of the separation of Church and State were Roger Williams, Milton and Penn. Roger Williams is the least well known of the three. Although his pamphlet, *The Bloudy Tenent of persecution*, gives the completest theory of toleration, it was not widely read, to judge from the references to it in the pamphlets of the Restoration period. The reason is that Williams was a New Englander, and wrote his pamphlet in answer to another New Englander. It was, however, published in England, and seems at any rate to have influenced Baptist thought. The method of dialogue, which the writer adopts, is tiresome to modern taste ; but after the reader has accustomed himself to hearing the abstract personalities, Truth and Peace, discuss Mr Cotton, Williams' antagonist in Massachusetts, he finds a closely reasoned inquiry into the relations of Church and State.

Williams dissociated himself from both the Erastian and the Presbyterian systems[2]. Both make a confusion of what ought to be distinct, Church and

[1] Dissenters did not fail to realise this, cf. Owen, *Works*, III. p. 169.

[2] *Bloudy Tenent*, pp. 169, 193, 232.

State. Like all intensely religious minds he preferred theocracy to Erastianism[1], but he realised that theocracy was inconsistent with the true personal religion which can only be found when the mind is free to choose its faith. Liberty of conscience seemed to be possible only where the two spheres are completely distinguished and separated. Williams, in his ideas of the separation of Church and State, took the line which we shall see later taken by Locke. He went so far as to compare a church to a college of physicians or a company of merchants, which would not affect the State as such, if they broke up[2]. The power of the magistrate in matters of religion stops when he has seen to the due protection of religious assemblies from disturbance. Doctrine is outside his jurisdiction[3]. For he has "no more power than fundamentally lies in the bodies or fountains themselves (*i.e.* the people from whom he derives his power), which power, might or authority is not religious, Christian, etc., but natural, human and civil[4]."

Milton. Of greater importance than Williams, as more in the public eye, is John Milton. It is hard to estimate his position, as it was estimated by his contemporaries, because of the magic which the name Milton now carries. Modern writers give him an unique position in the history of toleration. Matagrin places him between Castellio

[1] *Bloudy Tenent*, p. 297.
[2] *Ibid.*, p. 46.
[3] *Ibid.*, p. 217.
[4] Cf. *ibid.*, pp. 214–5, 256 and 341.

and Locke[1]. His fame was sufficiently great to cause certain people to invent the rumour that he wrote Marvell's *Rehearsal Transprosed*, because the pamphlet was so well written and successful. But this is due rather to the fact that people knew of Marvell's friendship with Milton than to anything else.

His fame is undeniable—especially on the continent. But allusions to his writings are less frequent in the pamphlets of the Restoration period than allusions to those of Hales, Chillingworth or Taylor.

Religion was for Milton as for Williams a question for the individual soul to decide in communion with God. Neither priest nor magistrate should stand between. He accordingly advocated an entire separation of Church and State[2], to be brought about by disestablishment. He proposed that all the clergy should be ejected from their livings at a given date without compensation, that the Church revenues should be confiscated by the State, and that preachers should live on the voluntary support of their congregations[3]. A National Church was wrong to Milton for the same reason that it was wrong to Williams. It meant the usurpation by a foreign power of the kingship of the conscience, which God alone should have.

William Penn belongs more properly than either Williams or Milton to the age of the Restoration. *Penn.*

[1] *Histoire de la Tolérance Religieuse*, p. 298.

[2] In the *Treatise of Civil Power in Ecclesiastical causes.*

[3] In *Considerations touching the likeliest means to remove hirelings out of the Church*, 1659.

As companion of both James II and William III he achieved a notoriety which always attends the friends of the Court in an aristocratic age. Penn's prominence in politics gives him an importance which his writings alone would not justify. The leader of the Quakers during his age, he was led to adopt the principle of Toleration by his belief in the doctrine of the inner light. Mysticism makes for toleration. The magistrate can be of little assistance in giving the illumination of the soul, which religion was to the Quakers.

Penn was a prolific pamphleteer, writing as much in the cause of toleration as in the cause of Quakerism. Many of his arguments were borrowed from the Latitudinarians and the Whigs, but the principle for which he stood was the same as that of Milton and Williams—the separation of the spheres of Church and State. He reasserted their theory in their phraseology with but few alterations and few additions. God may persecute, man may not. Persecution necessitates the use of force in religion, which is not only profitless, as it never alters the innermost beliefs of a man, but is actually harmful, because it makes men discontented, hypocritical, or atheistical. His arguments are the arguments of the writers of the Commonwealth period. His writings show how indebted the advocates of toleration at the time of the later Stuarts were to their predecessors. But at the same time they illustrate the new factor, which was helping to determine the controversy, the economic interests of the England of the Restoration. It will be shown later how the needs of commerce,

to which Penn so often refers, were urged as far from negligible in any consideration of the advisability of granting religious liberty.

Looking at the whole question from the point of view of policy rather than religion he maintained that "a man may be a very good Englishman and yet a very indifferent churchman[1]." If this is realised, he rightly saw, toleration must come. "Does his going to a conventicle," remarks a kindred spirit, "naturally qualify [a man] for a constable's staff? Or believing Transubstantiation render him incapable of being a good clerk? It were as reasonable to say that 'tis impossible for a fanatic to be a good shoemaker or a papist a good tailor[2]." The question of a religious test for political office is a different thing. It is conceivable that to have Roman Catholics engaged in the diplomatic service of the nation might have seriously prejudiced English foreign policy. It did so in 1670. But to impose a religious test for all the occupations of life—which is what the coincidence of Church and State virtually did—is, as Penn pointed out, absurd from the point of view of the State. Penn did not distinguish clearly enough the toleration which would allow conventicles from the toleration which would abolish tests. This distinction is essential in order to answer properly what was the commonest of all arguments against toleration, that it produced sedition.

Triple method of

The common method of attacking or defending

[1] *England's present Interest discover'd*, 1675, p. 32.

[2] *Letter from a gentleman in the country to his friend in London*, 1687, anonymous.

argument in the pamphlets of the period.

any principle was to use arguments based on reason, Scripture and history. Anything that does not contradict either the law of nature, the law of God, or the law of man must be good[1]. This method is based on the conception of a man in his threefold capacity of man, Christian, and Englishman. Churchmen defended the English Church as being in accord with both reason, the Bible, and English law. Their opponents asserted the conflicting doctrine of liberty of conscience on the same three grounds.

(i) From Reason.

Penn is consistent in his use of this method. Both Williams and Milton had used it in a less systematic way. With Grotius and the Cambridge Platonists he asserts that liberty of conscience is a natural right[2]. The law of nature leaves men free to choose their religion. It merely shows that there is a God. A man as a man is free to worship God as he pleases. Bound by God's law as revealed in the Bible the duty of a Christian may be something more.

(ii) From Scripture.

What then does the Scripture say on liberty of conscience? In the first place, as one writer remarks, the phrase is not found in the Bible[3]. But texts that seem to assert the principle are innumerable. "They that eat, eat to the Lord and give God thanks; they that eat not, eat not, yet still to the Lord they eat not and give thanks." There in the clearest terms is an instance of toleration being

[1] Dr South proves gratitude a virtue by these three tests, in one of his sermons.

[2] Cf. the whole argument of *The great case of Liberty of Conscience*, 1670.

[3] See *Dic. Nat. Biog.* Art. "Dr Dove."

granted in just such cases as those for which it was claimed by the Dissenters. But, in reply to this, countless Scriptural arguments were brought forward by the other side. The case of the Jewish Kings, "the nursing fathers[1]" of the Church, is adduced. These were given power to uphold the Church and enforce her ceremonies. "Remember Uzza, he would needs support the ark, when the oxen stumbled: but he was struck dead for his pains" is the reply[2]. Quotations from the New Testament are naturally more numerous still. The parable of the tares is continually cited. Timothy and Titus are claimed by both sides as examples of their theories with regard to the proper means of punishing spiritual offenders. Christ's command to Peter to found His Church on earth is answered by his other saying, "My Kingdom is not of this world." Arguments always conclude with the famous instruction of Christ "to render unto Caesar the things which are Caesar's and unto God the things that are God's,"—a text which does not decide the point at issue—whether the enforcement of ceremonies in religion is Caesar's.

(*iii*) *From History.*

If it can be proved that the law of nature and the law of God assert liberty of conscience, what is the evidence of history? What have great men in the past thought on the subject? And what do nations do to-day? The evidence of man must be of lesser importance than the evidence of the Scripture. For

[1] Is. xlix. 23.

[2] In the anonymous pamphlet *Good Advice to the Church of England, Roman Catholics and Protestant Dissenters*, 1687.

to the Puritans, to whom anything that is not found in Scripture is necessarily wrong, the Bible must be the ultimate criterion. But history may stand forth to bear witness to the virtue and utility of what has been proved to be a biblical principle. And to some minds at least the consent of various men and nations to a certain principle would have a deeper meaning. It would prove that the principle was one of the laws of nature, and, as one of the laws of nature, one of the laws of God. To everyone the examples of history would be of great interest and importance. For it was one of the arguments of the opponents of toleration that it had failed, when put in practice, and resulted in sedition.

(*a*) *Ancient.*

Ancient, modern and English history were alike called upon to give their testimony. Hobbes objected to the predominance given to classical parallels, because he thought that a study of Greek and Roman politics was inclined to make men of a seditious and democratic spirit[1]. Baxter denied this[2]. The two men by trying to generalise on the influence of classical studies as a whole were employing the right method. To adopt the scholastic method of taking quotations apart from their context, and facts apart from their setting is valueless. The devil can quote history for his purpose, as well as Scripture. As in the language of the Bible, so in Latin and in Greek, there is no word expressing our word "conscience." Lord Acton has

[1] *Leviathan*, p. 221.

[2] *Christian Politics*, ch. III. (VI. p. 73 of the combined *Works*). Cf. also Owen, III. pp. 176–7.

shown that in ancient thought, unlike Scriptural thought, the principle of liberty of conscience is never found[1]. Socrates died for trying to invent it. The existence of polytheism is proudly brought forward by all the supporters of the theory of toleration. Some went so far as not to accept this merely as an assertion, but to connect it with the cosmopolitanism of the time[2]. And there is no doubt that cosmopolitanism tends to produce religious toleration. But with many writers ancient history contributes nothing but a string of names.

(*b*) *Modern.*

In modern history the success of some measure of toleration in Germany, France, the Netherlands, Bohemia, the plantations, etc., is quoted with pride[3]. The prosperity of the Netherlands is the strongest argument of all to many minds. In their application of modern history the pamphleteers of the Restoration were beginning to assert causes as well as to make lists. The connection, which all parties recognised, between toleration and republicanism was very real. It was the truth which James I expressed at the Hampton Court Conference in his epigrammatic repartee "no bishop no King." It was embodied by the tolerant Halifax in his maxims of State. "The Monarchy and the Church of England cannot subsist but together; for they that endeavour to introduce a Republican Government in one, expect

[1] *History of Freedom, and other Essays*, p. 26.

[2] The author of *Tolleration discussed in a dialogue between a Conformist and a Nonconformist*, 1670, accounts for toleration in the Netherlands in the same way.

[3] See Penn's *Persuasion to moderation to Church Dissenters* for the sort of method used.

to have it followed in t' other[1]." But Dissenters were able to produce long lists of the tolerant monarchs of history to prove that, if Presbyter and King were incompatible, toleration and monarchy were not. If toleration and monarchy are incompatible, Penn argues, then the monarchical must be a lower type of government than the republican, because republics have survived with or without toleration[2]. The case of the Netherlands was no doubt brought forward with such frequency partly for that very reason; it was an instance of a country possessing a certain degree of religious liberty, which underwent periods both of monarchy and republicanism. Not the least valuable of the historical arguments adduced in favour of toleration is the sentence which Penn quotes from Grotius—"a fierce and rugged hand was very improper for Northern countries[3]." Penn himself gives no evidence that he sees the real truth expressed here. Nor would the generalisation that authority is natural to the Latin peoples and liberty to the Teutonic, carry much weight to the English mind, until it had been put to the test actually in England.

(c) *English.*

For this reason English history seemed to many far more important than either classical or European. The definite question to be answered was—Has the actual existence of sects caused sedition or riot in England? English history before the Reformation

[1] Maxim xl printed in *The Works of George Villiers*, II. p. 253.

[2] Acton, *History of Freedom and other Essays*, gives a list of republics which have refused religious liberty.

[3] *England's present Interest discover'd*, 1675, p. 47. Grotius, like Bodin, adopted the idea from Aristotle.

proves that "Church Uniformity is not a security for Princes to depend upon." The riots which took place in those days must have been due to the conformist party[1]. This is obvious. All subsequent examples are in one sense valueless. Dissenters argue that if men of their persuasion were found on the rebels' side in the Civil War, if they took part in Venner's Insurrection, the Rising of the North, or the Rye House Plot, even if some of them were found "coming in great bodies and turning people out of the Churches and pulling the Surplice over the Parsons' heads[2]," the cause is not the existence of the Sects, but the refusal of the government to recognise them. With reference to the one period, in which their existence was recognised[3], complaints are levelled not so much at the seditious practices of the sects as the tyrannical acts of the government. Nevertheless it was disorder rather than tyranny that was feared. Bearing this in mind we can understand Samuel Parker's argument that toleration is unsafe in a country which does not support a standing army[4].

The accusation that Nonconformists are seditious.

It is difficult to decide to what extent the accusations of the opponents of religious liberty were justified. To break penal laws can hardly be called seditious. There is a considerable difference between sedition and passive resistance. According

[1] Penn, *Persuasion to moderation to Church Dissenters.*

[2] Pepys' entry for Feb. 27th, 1668.

[3] That of the Commonwealth.

[4] *Ecclesiastical Polity*, p. 161. Cf. also Colonel Sandys' argument in the debate on toleration in 1667–8, *Parl. Hist.*, p. 414.

to every theory of government a man is justified in breaking laws if he submits quietly to the punishment which is attached to a breach of them. A conventicle might very properly have been described as illegal; it was forbidden by statute. But to call it "seditious," and "riotously and routously" assembled, when its one object was the worship of God and the doors were open, is an unjustified stretching of the meaning of those terms[1]. "What is religious," Penn maintains, "can never be seditious[2]."

The sermons of the nonconformist clergy seem to have been evangelical and not political. This was of course in strong contrast with their practice under the Commonwealth or during the Rebellion. Some of the less known preachers may have been not guiltless; but men like Baxter, Bunyan, Owen and Howe, some of whose sermons have come down to posterity, remembered the warning given by the King in the year of his restoration that "preaching rebellion from the pulpit is a very grave offence." The Quakers, in order to make it impossible for their enemies to say that they uttered words of sedition in their meetings, on occasions assembled for religious worship in absolute silence. The magistrates were by this ruse placed in a quandary. Could such a meeting come under the legal definition of a conventicle? Juries readily settled that it could; otherwise, according to Baxter, they were fined for

[1] Cf. "The examination of the bishops, etc.," in Somers' *Tracts*, IX. p. 139. Cf. also Delaune's *Plea for Nonconformists*, 1684, p. 73.

[2] *Great case of Liberty of Conscience*, 1670, p. 54.

their audacity[1]. Practices of this sort exasperated the Conformist party not a little, and made it no easier for them to connive at Dissent. They serve to show us that Dissenters as a body under persecution were very careful not to lay themselves open to charges more serious than a breach of the Clarendon Code.

Baxter's case illustrates the almost hopeless position in which Dissenters sometimes found themselves. In James II's reign anything could pass for sedition. The infamous Jeffries and an illiterate jury found Richard Baxter, who was known to be no antagonist of the episcopal form of government or the use of liturgies, guilty of sedition, for having published a commentary on the New Testament containing passages which could only by innuendo be interpreted as an attack on the prelates and services of the Church of England. The point of importance is not the injustice and irregularity of the trial, but the proof afforded of the kind of language, which, when written as well as spoken, was unhesitatingly dubbed as seditious. In Bunyan's case no "seditious" utterances or writings were brought forward. The mere fact of speaking to "fanatics" at a conventicle or a meeting in the open air was sufficient to procure his condemnation even at the hands of a sympathetic bench.

Samuel Parker, in his preface to Bramhall's *Vindication*, considered the attitude of the Dissenters dangerous to the State on three grounds. He accused them firstly of attacking the theory of the Divine

[1] *Life and Times*, Part II. p. 436.

Right of Kings, secondly of combining with atheists to laugh at the Anglican clergy, lastly of bringing forward as their champions crafty statesmen, who would not scruple to introduce Popery at the same time as they secured the toleration of Dissent. The author of the pamphlet *Tolleration discussed in a dialogue between a Conformist and a Nonconformist*, also selected three doctrines held by the Dissenters, which seemed to be dangerous[1]. He produced a list of prominent Dissenters who had advocated resistance to the king, a second list of those who advocated the propagation of the gospel with the sword, and a third list of those who advocated an appeal from the law of the land to the law of nature.

The truth is that the doctrines of tyrannicide, with which many Presbyterian writers, in common with the Jesuits, had identified themselves, were urged against Dissenters as a whole. They were not urged against the Presbyterians themselves when schemes of comprehension were discussed. Confusion there was, as has been already pointed out, between the Papist and the Nonconformist movements; and at a time when the peril of Popery was really great severity was justifiable. There was a similar confusion between the peaceable English Baptists and the lawless Anabaptists of the continent, with whom the former had no connection either in origin or practice. The Quakers too had to suffer for the sins of the sects which they resembled. The conventicles of the Ranters and Antinomians had developed into dens of immorality. The Quakers

[1] *Vide* ch. IX.

themselves lived upright and quiet lives. They were universally admired for their behaviour under persecution throughout the period[1]. But they had to suffer. Time was to show that the hasty generalisation, that sectarians are seditious, was premature. History could only plead its falseness. More valuable than any examples from Rome, the Netherlands or England itself would be an unostentatious emphasis on the part of all Dissenters of their quiet and peaceable modes of living. In addition to attacking an accepted position they had to outlive a bad reputation.

Extent of toleration advocated by Noncon formists.

Such was the theory of religious liberty, and such the arguments used in support of it by the advocates of the separation of Church and State. But who were to receive this liberty? Turks, Jews and Infidels had been included by Williams. But between Williams in England and Bayle in Holland no serious advocate of toleration was to go so far. To-day, when there are no religious qualifications for citizenship, Buddhists can be tolerated in a Christian country. Reasons, which are more connected with human nature than politics, have made it easier for Christians to tolerate strange religions than differences within Christianity itself. But in the seventeenth century—even in the year 1688—politics had not been entirely separated from theology. Religion, if not doctrine, was still in the sphere of the magistrate. A toleration of Christians was therefore not impossible; but few could think of tolerating heathen or atheists. After three centuries

[1] Cf. Grey, *Debates*, I. p. 128.

of exclusion, the Jews were permitted by Cromwell to live in England because they were peaceable. Roman Catholics had been refused religious liberty, because the position of a Roman Catholic, as subject to the Pope, with all his claims of political supremacy over kings, was incompatible with loyalty. Those who did not refuse toleration to Papists, along with Jews and Mahometans, as professors of a religion not based straight upon the Bible, refused it on grounds purely political[1]. The point which the theory of toleration had reached when Locke wrote his letters may thus be summarised. The territorial coincidence of Church and State has given rise to a political confusion. Uniformity in doctrine is not essential to the unity of the State. A Christian State is in duty bound to promote Christianity; but it is illegitimate to do this by imposing a fixed ceremonial. Men may worship God in any way they please which is consistent with peace and patriotism.

Application in the colonial charters.

Most theorists have to apply their theories to cities built in the heavens. Plato attempted also to apply his doctrines in Syracuse; but there was too much materialism in Sicily to make a republic, founded on a deeper basis, acceptable or even possible. Sir Thomas More prescribed liberty of conscience for Utopia, but in the presence of his King he never attempted to apply his principles to England. In the age with which we are dealing a new world was coming into existence on earth. The companies that were being formed incessantly to work the

[1] Milton in his last pamphlet, *Of true Religion, Haeresie, Schism, Toleration and the growth of Popery*, refused it on both grounds.

American plantations stood in need of charters, and in process of time the colonies thus formed stood in need of constitutions. The new world was being peopled not by a new race, but by men who brought with them all the theories and prejudices of the old world. The people were not unbiassed, but the land was new. Here was an opportunity for the application of the theory of toleration on earth. It was given to such men as Williams, Penn, Sidney and Locke to test in America the genuine nature and the practicability of their theories.

The three colonies which are of direct interest are Rhode Island, Pennsylvania and Carolina. Their constitutions were the work of Williams, Penn[1] and Locke respectively. The resemblances and not the differences of the three charters are noticeable. They all make the supposition that the inhabitants will adhere to some form of Christianity, so that not even in Rhode Island was any provision made for heathen or atheist. But the fact of importance is that the necessity of a belief in God is looked on from the point of view of policy rather than religion. The theory of religious liberty is most succinctly expressed in one of the laws of Pennsylvania, which was agreed on in England in the year 1682[2]. "That all persons living in this province, who confess and acknowledge the one almighty and eternal God to be the Creator, Upholder and Ruler of the world; and that hold themselves obliged in conscience to

[1] In collaboration with Algernon Sidney.

[2] No. xxxv. printed in Poore's *Federal and State Constitutions*, Part II. p. 1526.

live peaceably and justly in civil society, shall in no ways be molested or prejudiced for their religious persuasion or practice in matters of faith and worship, nor shall they be compelled at any time to maintain or frequent any religious worship, place or ministry whatever." This, taken in connection with the passage from the charter of Rhode Island given in 1663[1], explaining that the "livelie experiment" of religious liberty has been introduced because it seems most conducive to civil peace and obedience to sovereignty, and granting it to all who do not use this liberty "to licentiousness and profaneness, nor to the civil injury or outward disturbance of others[2]"; and a further passage in the first set of fundamental constitutions of S. Carolina of the year 1669, which compels churches to make a statement "of the external way, whereby they witness a truth as in the presence of God[3]," enables us to understand fully the common theory. The idea that the magistrate must establish the Kingdom of Christ on earth is given up. Religion has become a question for the individual conscience alone. In two respects only is there a limitation. This religion must not be one that induces men to be disorderly and disobedient to the sovereign power which granted them their freedom. They must profess a belief in God, or their oaths and assurances will be invalid and the whole basis of morality will be overthrown.

[1] The charter of 1644 was the one given to Williams. But the later charter bears no less the stamp of his ideas.

[2] Poore, Part II. pp. 1596–7.

[3] *Ibid.*, p. 1407.

The existence of civil society is dependent on religion, its peaceable continuation on toleration of its various forms.

In New England there were inconsistencies. In 1635 membership of some congregation was made a qualification for citizenship in Massachusetts. The essence of Independency, that the church is a voluntary congregation, was almost annulled in this virtual establishment of Congregationalism. But, as was said later, "the men of Massachusetts could work any constitution." The way in which they warped the principle of Independency belongs more to American history. It was used as an argument against giving religious liberty to the Independents in England. The Independents on either side of the Atlantic played a smaller part in the history of toleration than either the Baptists or Quakers. They asserted the fundamental fact that a church must be a congregation formed without compulsion. The Baptists and Quakers added the principle that membership of such congregations should be in no way connected with the rights of citizenship. It was the territorial unity of Church and State that the former destroyed. The latter tried to sever the political connection.

The whole history of toleration in America is an interesting subject. But it cannot be dealt with in brief. The connection of England with New England was in many ways less close than the connection with the Netherlands. The ocean that separated the two continents was too large. But by giving to English theorists an opportunity to tabulate their

principles, New England played no small part in the development of the theory of toleration.

§ 2.

Utilitarianism.

Many of the Nonconformists removed doctrinal questions entirely out of the sphere of the civil authority, although they did not seek altogether to separate religion and politics. Utilitarianism asserts the idea of the secular State. An entirely utilitarian theory of government had, it is true, led Hobbes and Machiavelli to advocate the compulsion of uniformity in religion. But, so far from being essential to utilitarianism, the use of compulsion in religion is really unnatural to such a system, as the history of utilitarianism in England has shown. Utilitarianism itself belongs to a later period of history than that which is being dealt with here. But the mental attitude which produced it is the same as the spirit which dominated England in the reigns of Charles II and James II. The movement began with the attacks on the medieval idea of theological politics, and became for that reason connected with the movement which has just been described.

The Social Contract.

The events that culminated in the execution of Charles I led all men to inquire with a deepened interest into the whole question of the use of government. The form which this inquiry naturally took to a people still soaked in the scholastic traditions was a question. What is the origin of government? Throughout the middle ages there had been sporadic allusions to the famous theory of the social compact, which had arisen in Greece

under the influence of the Sophists. Its best exponent in England had been Hooker. Now there were no longer solitary supporters. It was the accepted theory of all who stood for political and religious liberty, the answer to the theory of the Divine Right of Kings. Not only was it the creed of Democrats like Williams and Milton, it was embodied in the oligarchic revolution of 1688.

The doctrine of the social contract does not lead necessarily to a theory of toleration. In Hobbes and Hooker it had led to something far different. The author of the pamphlet entitled *Tolleration discussed in a dialogue between a Conformist and a Nonconformist*, writing in 1670, points out that, as the people gave up their right to legislate for their own individual interests, the Sovereign may make what laws he chooses, civil and ecclesiastical alike[1]. The fact that civil societies antedate the foundation of the Christian religion does not affect the question. For since the imaginary original compact the sphere of government has been subject to addition and alteration by "express laws, immemorial customs, particular oaths, which the subjects swear to their princes[2]." Penn's assertion that "religion is no part of the old English government" is in the light of this irrelevant[3]. In any case those of the contractualists who maintained that the original compact entailed an unconditional surrender of liberty, would

[1] In chh. xxi.–xxii.

[2] The anonymous pamphlet, *An Enquiry into the measures of submission to the Supream authority*, 1689 (probably by Burnet).

[3] *England's present Interest discover'd*, p. 32.

not understand the plea for religious liberty. But there were others, who, with Williams and Milton, held that liberty of conscience was one of those natural rights, which men had no power to depute or surrender. Men cannot meet together and give up their right to think. Many Anglicans agreed with them up to a certain point. They granted the assumption that men "can never part with the freedom of their judgments," but they found a loophole in the further assumption that "yet they must part with the authority of their judgments[1]."

Sanctity of property.

The majority of the contractualists added a second compact to the original social compact. At the same time as they agreed to form a society the sovereign people had delegated their right to guard the security of their individual property to an elected government. This government forfeits its authority, when it breaks its contract, and fails to secure the property of the individual. The word "property" was capable of bearing an extensive meaning, as the following argument of Burnet shows. "If," he says, "by the laws of any government, the Christian religion or any form of it, is become a part of the subjects' property, it then falls under another consideration, not as it is a Religion, but as it becomes one of the principal rights of the subjects, to believe and profess it; and then we must judge of the invasions made on that, as we do of any other invasion that is

[1] Stillingfleet, *Irenicon*, ch. vi. Cf. also Parker, *Ecclesiastical Polity*, ch. iii.

made on our other rights[1]." But to most minds the word bore a narrower significance. The result was that the doctrine of the social compact, when it assumed this form, tended to confine the sphere of government to secular matters. The State is not intended to save men's souls but to secure their persons and—what is the result of the labour of their hands—their personal property. The notion of "the Divine Right of freeholders[2]," was leading to an individualistic and utilitarian conception of government, with which persecution would be incompatible.

It was from this position that Penn dealt some of his most cutting blows at the politics of the Anglican party. It was his real contribution to the theory which he borrowed from Williams and Milton. He did not assert any social compact himself, but, borrowing the doctrines about property, which the contractualists had been led to formulate, he applied them to the legislation of his time. *À propos* of the Test and Corporation Acts it was argued that election by freeholders is sufficient test. For the ownership of property implies a tacit consent to the laws of the country, which alone give it validity[3]. Penn attacked all the penal laws, because they destroyed the security of property. "Where property is subjected to opinion, the Church interposes and makes something else requisite to

[1] *An Enquiry into the measures, etc.*, p. 3.

[2] Acton, *History of Freedom*, p. 54.

[3] Cf. Sidney, *Discourses concerning Government*, ch. VIII. Against a test for the Lords the rights of peers was the commonest argument.

enjoy property than belongs to the nature of Property." It implies "an alteration of old English tenure[1]." When property is exposed for religion it means that the Prince falls down at the Prelate's feet—theocracy[2]. Protestantism may accordingly be not unfairly defined as "protesting against spoiling property for conscience[3]." In this sense persecution is unjust and contrary to the theory of law and government.

Persecution cripples trade.

With many minds motives of justice would not weigh very much. But to all those who were in possession of ideas, as yet unsystematised, of utilitarian politics, the proof of its impolicy would be a strong condemnation of persecution in any form. Consequently the empirical politicians of the day, followed by the whole body of the Dissenters, who realised more and more as time went on that the principle of toleration was not likely to be realised, set about to prove its policy. If the penal laws were not contrary to the theory, they might show that they were contrary to the practice of sound government. Many people felt with Halifax that "circumstances must come in, and are to be made a part of the matter, of which we are to judge; positive decisions are always dangerous, more

[1] *England's present Interest discover'd*, p. 37.

[2] *Ibid.*, p. 34.

[3] *Ibid.*, p. 32. Petty, the economist, defends this form of punishment in his "Treatise of Taxes," 1662 (*Works*, I. pp. 70-71) as being the mildest form of administering necessary persecution. Cf. the argument reported in *Parl. Hist.* IV. p. 311 "they would gladly compound for liberty at any reasonable rates: and by this means a good yearly revenue might be raised to the King."

especially in politics[1]." The Trimmer, the empiricist, the Whig, might wish for a form of religious liberty, looking "rather like a kind omission to enquire more strictly than an allowed toleration of that which is against the rule established[2]," toleration in practice but not in theory—if the attempts to enforce uniformity prove to be harmful to the national well-being.

Such men as Shaftesbury, Buckingham and Halifax genuinely thought that the decay of English trade at this time was due to the penal laws against the Nonconformists more than to anything else. They had other reasons for being tolerant. They all had a deep love of Liberty. None of them being religious themselves they could not logically enforce any form of religion on others. Halifax got the reputation of "a confirmed atheist" because "he let his wit run much on matters of religion[3]." Buckingham "was a man of no religion, but notoriously and professedly lustful[4]." Shaftesbury's "religion was that of the deist at the best; he had the dotage of astrology in him to a great degree, and fancied that our souls after death lived in stars[5]." Halifax was too much of a "Trimmer" to advocate extreme methods of compulsion. Buckingham was too much of a scientist and poet to sympathise with them. Shaftesbury was too much

[1] Halifax, *Rough draft on a new model at sea*, printed in Foxcroft, II. 458.

[2] Halifax in the *The Trimmer*, *ibid.*, II. 322.

[3] Burnet's *History*, Everyman's edition, p. 103.

[4] Baxter, *Life*, III. p. 21.

[5] Burnet, *History*, p. 34.

afraid of popery. He saw the risk that uniformity entailed. As long as the King remained an atheist he had no fears, but he soon found out that Charles II was a papist at heart. A united Protestant Church with such a man at its head would very soon become Roman Catholic. But, whatever their ultimate motives were for advocating toleration, the arguments which they used were based particularly on the interests of commerce. The committee, appointed in 1669 "to consider of the causes and grounds of the fall of rents and decay of trade within the Kingdom," under the chairmanship of the Earl of Essex, inserted this clause in the report, perhaps at the instigation of Shaftesbury, who was a member of the committee, "That some ease and relaxation in ecclesiastical matters will be a means of improving the trade of this Kingdom."

This argument was never dropped by the leaders of the movement in parliament itself. It was embodied in the Declaration of 1672, which there are grounds for believing was worded by Shaftesbury, and it was reiterated in speeches from the beginning to the end of Charles II's reign. The Dissenters outside Parliament showed great skill in elaborating the argument and keeping it before the public eye. Their opinion in itself would not have carried much weight, but, when supported unanimously by the most prominent members of the newly formed Council of Trade, it would hardly be ridiculed[1]. Too much emphasis cannot be laid on this, because

[1] Shaftesbury, Buckingham, Halifax, Locke, etc., were all connected with it.

the influence of commerce on politics in the seventeenth century was so great. It was this that led to rivalry and wars with the one nation that had a real sympathy with the political ideas of England. It was in defence of our commerce as well as in defence of our religion that we reversed our policy and went to war with France. Even Charles II was not solely a despot standing for prerogative and popery. As son of a martyred father and a Catholic mother, envious of a cousin's glorious reign in France, he was not sympathetic with Dissent, and posed as champion of the Church. But there is the other side to his character. He was a man intensely concerned in the secular interests of England. In particular he was known to take a passionate interest in shipping. As such he inclined towards the doctrines of the Whigs. This the Dissenters of the day could realise as well as we can now. Here was the vulnerable point in the armour of the less prejudiced and less fanatic type of Tory.

The stauncher supporters of the old ideas turned a deaf ear to any argument based on commercial interest. "Men may amuse themselves," says Thorndike, "with the instances of the United Provinces; which they say flourish in trade and riches by maintaining all religions. But the question is of religion not of trade nor riches[1]." This was the

[1] *Works*, v. 480. Cf. Parker's *Ecclesiastical Polity*, intr. p. xxxviii. Cf. the pamphlet *The vanity of all Pretences for Toleration, wherein... the popular arguments drawn from the practices of the United Netherlands are...shown to be weak...*, 1686.

only standpoint that could have been taken by those, who loved the old conception of the State. But the men of this party did not stop there. They attempted also to answer their opponents, standing for Trade and Toleration, on their own grounds. The connection of Dissent with Commerce was very close in England during the seventeenth and eighteenth centuries in particular[1]. The argument that the Dissenter was the most seditious type of man had been already well used. This was now supplemented by a fresh generalisation, that the trading part of the nation is notoriously the most seditious. The whole movement seemed to be summed up in the four words trade, dissent, demagogy, sedition. The crowning act of its history seemed to be the murder of Charles I, committed by men who had learnt commerce and Independency but not justice in New England[2]. The connection of trade, dissent and demagogy was real. The movement was only seditious in that it was a protest against the legislation which maintained the old connection of Church and State. The latter was a connection, which could only be severed at the cost of the shedding of blood. When once the severance had been made, the new order would be introduced unnoticed. When once the new order had been introduced, it would be seen that men occupied in amassing wealth, love comfort too much

[1] Bunyan saw no such connection. Christian and Faithful were imprisoned in Vanity Fair for being "enemies to and disturbers of the trade."

[2] Thorndike, v. p. 482.

to rebel against a State, which gives them freedom to enjoy it. Disorders and disruptions were destined to come; but these were due to the introduction of machinery and the growth of capitalism, not to the separation of Church and State, which the Anglican clergy so much feared.

The example of the Netherlands.

The facts which were brought forward were of an interesting and convincing nature. Huguenots and Walloons had met with a concrete form of toleration in England since the time of Elizabeth[1]. The excuse for the practice was that a National Church could not embrace subjects of a foreign nation. The reason was that their industry was useful to England. But, while sheltering foreigners, we were driving our own countrymen into America or the Netherlands and helping the work, so effectively begun by the plague, of depopulating England. The benefit of this was reaped partly by our colonies, but also by foreign nations, the "cloathing trade" (to take one instance) departing from Norwich for Holland[2]. In contrast with England was the state of the United Netherlands. Holland, "that bogg of the world," had become the most prosperous nation in the whole of Europe. No one could deny that this was largely due to the practice of tolerating all forms of religious belief. The most complete treatment of this subject is found in Sir W. Temple's *Observations*

[1] Cf. Somers' *Tracts*, IX. pp. 48–49.

[2] This was dealt with in *Tolleration discussed in a dialogue between a Conformist and a Nonconformist*, ch. XVIII. Cf. also Grey, *Debates*, I. p. 114, etc.

upon the United Provinces of the Netherlands[1]. Temple was ambassador at The Hague in 1668 and spoke with first hand knowledge. His evidence was corroborated by all the English refugees across the North Sea. Their friends in England were much impressed by what was thus reported to them, and their letters dealt largely with the subject. One of these letters, printed in 1688 as a pamphlet, deserves quotation[2]. The author's correspondent appears to have wished to find out "what advantages a secure Establishment of Liberty for tender consciences in England may be attended with in respect of the Trade and Civil Happiness of the nation." The author replies by describing the state of Holland under such a system. His three general arguments are these: (i) A large population is necessary for prosperity. A toleration of subjects and strangers conduces to this; (ii) Men of "tender" consciences are always men of sober lives; (iii) Toleration is the only way of securing private property. He almost apologizes for also looking upon liberty of conscience as a matter of principle, and suggesting that persecution is "an invasion of the Almighty's privilege as well as a Tyranny over the souls of men." In conclusion he gives an extensive quotation from Sir W. Temple[3]. "The Happiness of these

[1] The best treatment in a compact form may be found in Petty's *Political Arithmetic*, in the Cambridge edition of his works, II. pp. 262–4.

[2] *A letter from Holland concerning Liberty of Conscience*, by C. D. W.

[3] The passage is from his *Observations upon the Netherlands*, 206, 7th edition.

provinces in this respect I have seen elegantly expressed by an eminent statesman of yours formerly ambassador here.—In this Commonwealth (says he) no man having reason to complain of oppression in conscience; and no man having hopes by advancing his religion to form a party or break into the State, the differences in opinion make none in affections and little in Conversation, where it serves but for entertainment and variety. They argue without interest or anger; they differ without enmity or scorn; and they agree without confederacy; men live together like citizens of the world, associated by the common ties of humanity and bonds of peace, under the impartial protection of indifferent laws; with equal encouragement of all art and industry and equal freedom of speculation and inquiry; the power of religion, where it is his in every man's heart; and when there is only the appearance, it has not however so much of the hypocrisy and nothing at all of that fierceness as elsewhere. But rather is like a piece of Humanity, by which everyone falls most into the company or conversation of those, whose customs, whose talk and dispositions they like best. And as in other places it is in every man's choice, with whom he will eat or lodge, with whom to go to market or to court; so 'tis here with whom he will pray or go to church or associate in the service or worship of God; nor is any more notice taken or more censure passed of what every one chooses in these cases than in the other." Here is an ideal fit to be placed beside the medieval ideal. It does not mean "that there is nothing sacred or divine

but trade and empire and nothing of such eternal moment as secular interests[1]." It is the ideal of Humanism in both Church and State.

Dissent was too strong to be extirpated. Trade would receive damage in the attempt. In England's interests it was foolish to make articles of religion the only accessible way to civil rights. The aristocracy suffered by it. They had become poor, and they could not recover from their poverty by marrying into the wealthy commercial families because so many of these happened to be connected with Dissent[2]. The only way out of the difficulty was to recognise differences of religion in practice, if not in principle, and to aim at realising the conditions, which had brought not only happiness but prosperity to Holland by giving security to Englishmen and encouragement to strangers to come and live among them[3].

Summary. The Dissenters had stood for a separation of Church and State because with them liberty of conscience was a matter of principle. The Whigs advocated the same thing for empirical reasons. Together they had formed a complete political theory. By their belief in the social contract they thought that they had found a basis for politics no less immutable than the theory of Divine Right, and had lifted the State above the considerations of mere

[1] So said the atheists or sect of the Epicureans in their address to the crown in 1688, printed in Somers' *Tracts*, IX. p. 47.

[2] Cf. Corbet, *Discourse of the religion of England*, 1667, 22.

[3] Cf. the wording of James II's Declaration of Indulgence, and cf. *passim* in the writings of Penn.

expediency, with which the Machiavellian system had been stamped. The State seemed to them to be a natural if not a divine institution, existing in order to enable men to live in the secure enjoyment of life and the material adjuncts which alone make life something better than a bestial struggle. Security is only one aspect of liberty. Liberty is the great birthright of the human race. In the Bible they found a basis more immutable still for what is "as necessary to our living happily in this world as it is to our being saved in the next," religion[1]. The piece of property that should be most inviolable is a man's conscience. Liberty of conscience is the most important part of a man's liberty. Without it "he is a Slave in the midst of the greatest liberty." If the Church is united like the State, like the State it must secure the individual liberty of its members. But Christianity is a religion that can brook divisions. If there are many churches in the State, they must be given the protection which is given to all societies that are loyal to the State of which they are a part. For the duty of the State is to secure the liberty of its subjects.

[1] Foxcroft, *Life and Letters of Sir George Savile*, II. p. 301.

CHAPTER III

TOLERATION AND THE CHURCH

"I see not how any man can justify the making the way to heaven narrower than Jesus Christ hath made it."

JEREMY TAYLOR.

§ 1.

Toleration a principle of religion.

WRITING on toleration Jeremy Taylor expressed his belief that "diversity of opinions does more concern public peace than religion[1]." In other words he recognised that religious liberty is a political principle. He was ready to grant that "an opinion may accidentally disturb the public peace"; and for this reason it seemed to him logical that it should be "considered on political grounds[2]." But he would not grant that opinions, in themselves harmless, which did not create even an accidental disturbance of the public peace, should come under the magistrate's jurisdiction. He felt that religion did not require a uniformity of doctrine and the persecution of differences of opinion which it entails. In other words he also recognised that toleration is a religious principle.

[1] *Works*, VIII. p. 145.

[2] *Ibid.*, p. 143.

The rational theologians.

Williams, Milton, Sidney, Penn, Buckingham, Shaftesbury, Halifax had brought forward pleas for toleration from their various standpoints outside the Church, because they were united in a common love of liberty. By their side must now be placed Hales, Chillingworth, Taylor, Whichcote, More, Glanvill, Stillingfleet and the other theologians, who, united by a common religious sentiment, pleaded for toleration from within that Church on whose behalf the penal laws were passed. "They were," says their best historian, "the true authors of our modern religious liberty[1]." They supplied a religious and a philosophical basis to the political theory. They may be divided into two schools, the earlier Oxford school of rational theology, which based religion no less directly on the Bible than did the Puritans; and the later Cambridge School of Christian philosophy, which based religion ultimately on reason. But it is less valuable to mark the points of distinction than to find the common principle, to which they all brought their separate contributions. Political arguments find little place in their writings. They were men of the Church of England, having little to gain from the toleration which they advocated. But their religion and philosophy made them tolerant. Disgusted by the sectarianism, the popery, and the atheism, which were taking so strong a hold on the England of their time, they tried to find an antidote for all three in rationalism. Many of them lived before

[1] Tulloch, *Rational Theology and Christian Philosophy in England in the 17th century*, II. p. 3.

the Restoration; but it was during this period that their views were developed and spread far and wide through the land, so that they became a living force.

Reason and Revelation.

The conflicts of religion and reason, which were to dominate the next two centuries, had not yet assumed large proportions. The Cartesian philosophy, as far as it was accepted in England, was brought forward not in antagonism to but in support of Christianity. Reason was placed in opposition not to religion, but to authority—not to revelation, but to the authoritative interpretations of the revealed law. In the controversies of the seventeenth century the truth of the Bible is never denied. We cannot say what Hobbes really thought. He may have believed that Christianity was a human invention. But whether he did or not, he was obliged to comply with the dominant beliefs of the age to the extent of accepting Biblical authority as truth for the sake of argument, if not in reality. He was as ready with his texts and scriptural arguments as any Puritan. The belief that the Bible is the source of truth was as general as the belief that "the Bible...is the religion of Protestants." Men begin to lose truth, the rational theologians thought, when they use Scripture merely to support a ceremony or to confute a dogma. When men take sides their love of a contest is too much for them. They become advocates. They set up one set of articles against another. Whether their religion is a "dogmatic treasure," passed down through the ages and preserved in its original "beauty of holiness" by themselves alone, or a set of dogmas newly compiled

from Scripture, they devote all their energies to the defence of their exclusive creed. They are like the painter in Plutarch, who, having made a picture of some chickens, drove away all the fowls from the neighbourhood, that people should not realise how bad the picture was[1]. So closely are they confined in their "opinionative dungeon[2]" that they cannot see the truth. Like the primitive Christians men follow Paul or Cephas or Apollos, and measure their doctrine by their affection to the person of their minister[3]. What unity there is, is pitiful. "It's no concord of Christians but a conspiracy against Christ; and they that love one another for their opinionative concurrences, love for their own sakes and not their Lord's[4]." The only remedy for this is to realise "that the Bible and the Bible only is the religion of Protestants[5]." "Amicus Socrates, amicus Plato, amica Synodus, sed magis amica veritas." So Episcopius had cried out at the end of his great speech at the Synod of Dort in 1586.

It may seem strange at first to find men of rationalist tendencies preaching the vanity of dogmatising, acknowledging as they do at the same time, that dogmas are products of the human intellect imposed upon the divine basis of religion. But the explanation is not difficult to find. These men realised the power, which the senses have in

[1] Cf. Hales' *Tract concerning Schism*, the opening passage.

[2] Glanvill, *Vanity of Dogmatising*, p. 171.

[3] Cf. Hobbes, p. 488. "Non quis, sed quid" is one of the mottoes prefixed by Simon Patrick to his *Friendly Debate*.

[4] Glanvill, *Vanity of Dogmatising*, p. 169.

[5] Chillingworth, *Religion of Protestants*, Oxford edition, II. p. 410.

deceiving the mind, and the hopelessness of a search for knowledge, when the mind has already been prejudiced by education. Nothing seemed to them certain but the central fact of the Bible, that Christ died for the salvation of mankind. Men should start life with this fact alone before them. The probability is that there is some truth in each of the dogmas, which controversy has reared about this fact; it is extremely unlikely that the whole truth is expressed in any of them. In any case the uncertainty is so great that no one is justified in setting up his own opinion as final, in the way in which the Papists and the sects of Protestantism alike have done.

Generally known as Latitude-men or Latitudinarians (a term of ridicule), these men gave a twofold contribution to the theory of Toleration[1].

Tolerant spirit of the Latitudinarians.

In the first place they brought the spirit of tolerance into religion. Without the spread of this spirit it would have been very difficult to work toleration in practice. It is true that they recognised the impossibility rather than the undesirability of unity, but, by their frank recognition of this and the breadth of their sympathy, they made it easier for the two sides to differ in peace. Differences must be strong for toleration to be healthy. But it is as necessary to insist on the common principles as on the differences. Schemes of comprehension may, it is true, be prompted by motives far from tolerant. To Stillingfleet and to many others

[1] Far the best contemporary account of the School is found in Glanvill's *Anti-fanatical Religion and Free Philosophy*, printed in 1676 in a collection of his essays.

proposals to unite Anglicanism with Presbyterianism appeared acceptable, because they offered an opportunity of crushing Dissent by weight of numbers. But the majority of the Latitudinarians called for a comprehension because their own minds were broad enough to comprehend differences which seemed to some so great. In one sense they went to a point beyond those who formed the political side of the theory. With them they granted the right to differ outside the Church (most of those who could not include Baptists or Quakers in their scheme of comprehension gave them toleration outside the widened Church); but so great is the necessity of differences that they gave also the liberty of prophesying within the Church. "Opinionum varietas et opinantium unitas" did not seem so incompatible as the followers of Laud and the Puritans themselves had thought.

Religion was to them an influence, which must bring forth love and not hate, peace and not strife. It was a thing to live for rather than a thing to die for. The world has not much admiration for men who refuse to be martyrs to a cause. The Latitudinarians boasted that they were of such kidney. On the one side Hales always prophesied that he would never die a martyr's death[1]. On the other side Baxter explained that he would as willingly be a martyr for love as for any article of the creed[2]. Ambrose is Stillingfleet's youthful ideal. He quotes with admiration in his youthful essay, the *Irenicon*,

[1] Tulloch, I. p. 215.

[2] Cf. Baxter, *Works*, I. p. 409.

written in the latitudinarian atmosphere of Cambridge, the saint's practice: "Cum Romam venio, ieiuno sabbato; cum hic sum, non ieiuno[1]." Baxter is also in sympathy with this ideal. If he were among Greeks, Lutherans, Independents and "yea Anabaptists," he would hold occasional communion with them as Christians[2]. This is a dangerous doctrine to preach. It is not an easy thing to make distinction between those who will hold occasional communion from motives of charity and those who will be occasional conformers from motives of fear or self-advancement. The spirit of tolerance and the spirit of time-serving are, as the enemies of Latitude were not slow to point out, very close akin.

They assert the importance of morality in religion,

In the second place they brought back morality into religion. The Reformation was primarily a protest against the belief, which had been encouraged in the Roman Church, that good works could save men's souls. To Luther it had appeared monstrous to imagine that acts of penance, subscriptions to charity, or service in the Crusades could buy salvation. "Justification by faith" was the message which he saw the Church needed. But this doctrine was such that it could be abused no less than the doctrine against which it had been issued as a protest. Many of the sects of Cromwell's days had gone so far as to assert that works were altogether irrelevant; for man is not under the moral law; it is the soul that is saved and not

[1] p. 61.

[2] *Life and Times*, I. p. 133.

the body[1]. But even those who did not carry the doctrine to this extent, were apt to lay the greatest stress on the fact of subscription to creeds, articles and confessions, and to attach more importance to good doctrine than to good life. The Latitudinarians protested against this in their turn. In his sermon before the House of Commons on March 31st, 1647, Cudworth proclaimed the old truth afresh, that pen and ink can never express a religion any more than the painting of a rose its scent. Religion is no piece of artificial mechanism but "a true impression of Heaven upon the souls of men[2]." "Faith," by which men are saved, wrote Jeremy Taylor, "is not only a precept of doctrines but of manners and holy life[3]." "Morals...are nineteen parts in twenty of all religion," said Benjamin Whichcote[4]. To all of them the pomp of ceremonies and "the goodly inventions of nice theologers[5]" seemed things of very little importance compared with charity and the duty of loving our neighbours as ourselves. To Hales, Chillingworth and Taylor this was just an obvious fact. To the Cambridge Platonists of the Restoration it was something more. They felt that the mystical union of the soul with God could not be realised in this world except by a purity of life.

[1] This was the doctrine of the "Antinomians."

[2] Cf. John Smith, *Discourse VIII*, p. 359 (1673 edition).

[3] *Works*, VII. p. 496.

[4] Cf. Tulloch, II. p. 106.

[5] More, *Grand Mystery of Godliness*, p. 515. "Reject your ceremonies rather than your fellow Christians" was the burden of Bishop Croft's theme. Cf. his "Naked Truth," Somers' *Tracts*, VII.

They adapted to Christianity the Platonic doctrine that the soul can only lift itself up to the higher world by participation in the ideas of love, justice, goodness and all the other qualities which together make up perfect virtue; this participation can only be achieved, when the rational can subdue the irrational in man.

There was a revival of the study of ethics. More's *Enchiridion ethicum* came out in 1667. Baxter's monumental *Christian Directory*, with its section on Christian Ethics, was published in 1673. The human mind loves points of subtlety. In these books the subtlety that had been applied to theology was transplanted to the study of ethics.

which makes for toleration.

The emphasising of the importance of morality and practical religion naturally leads to a lower estimate of the value of theology and theoretical religion. The attitude of mind which wants to persecute is the attitude which wants to theorise. Toleration comes from the mental recognition of the vanity of dogmatising. But in finding some more ultimate basis for their assertions about theology the Latitudinarians put the whole question of toleration on a deeper foundation. They had expressed their belief in the sufficiency of Scripture again and again. But they went behind Scripture to try to find some "universal principles of religious sentiment," which would prove the comparative uselessness of abstruse points of theology, even when these claimed scriptural warrant.

They recur to the law of nature,

The contractualists in order to find the meaning of government had inquired into its origin. Similarly

the rational theologians, in order to find the meaning of religion, inquired into the whole question of the origin of religion in its two aspects, doctrine and morality. The former wished to find a reason for obeying or disobeying the positive law of the land, the latter a reason for accepting the positive law of God. Both these reasons were discovered in the universal obligation of what was called rational law or the law of nature. The accounts of the law of nature, which were given by the various writers of our period, are not altogether consistent. But there is a common agreement with reference to the three great principles which this law expresses. The first principle, the duty of a man to himself, is to preserve himself; the second, the duty of a man to his neighbour, is to do to others as he would have them do to him; the third, the duty of a man to God, is to believe in the necessity of His public worship. The sum of these three things was called natural law; the second and third taken together were called natural religion.

The doctrine of the law of nature was handed down from the Stoics. The necessity of a moral law to govern the rational beings seemed to them as clear as the necessity of a physical law to govern the stars. In the Middle Ages it had been conceived of as subordinate to, or, in the words of the Platonist Culverwell, "bubbling" out of the eternal law of God[1]. It is the unwritten law, which binds all rational creatures because they are rational creatures, the original law, to which men are subject apart

[1] Cf. the whole of Culverwell's *Light of Nature*, 1662.

from the societies or Churches, to which they may belong. It has been codified in the positive laws of nations and the positive law of God revealed in the Bible. Our duties can generally be defined in relation to our citizenship or religion. We generally have to act in a certain way as Englishmen or Christians in obedience to the law of the land or the Scriptures. But there are cases where we have to act purely as rational creatures, cases abstracted from all conditions of place and circumstances. A man is captured by thieves and given the alternative of taking a false oath or losing his life[1]. He is bound only by the law of nature and must make his decision as his reason or conscience dictates.

examine the meaning of conscience,

The truth, which is meant to find expression in the doctrine of natural law, is that apart from divine or human command there are certain principles essential to rational beings as such. A belief in the reality of conscience is otherwise absurd; for conscience implies an unwritten law, which cannot be codified to cover every possible circumstance which may occur. "Conscience," said Samuel Parker, "is nothing but the soul or mind of man that undergoes various denominations from its powers and abilities; as, when it conceives of things, it is called understanding; when it discourses, reason; when it determines, judgment; when it chooses, will; and when it reflects upon itself and its own actions, conscience[2]." With Owen it is "the judgment that

[1] This case is imagined in the pamphlet *Tolleration discussed, etc.*, ch. xxiii.

[2] *Continuation of Ecclesiastical Polity*, ch. viii. p. 700.

a man maketh of himself and his actions with reference to the future judgment of God[1]." According to Bunyan it is the Recorder of the city of Mansoul; "as by the understanding things are let into the soul, so by the conscience the evil and good of such things are tried[2]." If then the working of conscience is an intellectual process, notions of morality—of good and evil—must be such as are cognisable by the intellect. For this reason the principles of morality must be immutable, as fixed and as capable of demonstration as the laws of mathematics. This is what, to the Cambridge Platonists, they were. "The common notions of God and virtue," wrote John Smith, "impressed upon the souls of men are more clear and perspicuous than any else; and if they have not more certainty, yet have they more evidence and display themselves with less difficulty to our reflective faculty than any geometrical demonstrations[3]." That is to say, in the language of their master Plato, that there is an "idea" of justice no less than an "idea" of triangularity. By the light of reason men can become moral, no less than by a knowledge of the laws of the land and the Bible.

and thus place the obligation of morality on a new basis,

The question of the origin and obligation of morality was much discussed in the seventeenth century. The three answers put forward were that it rests on the command of God, the command of man, or the command of conscience—the obligation

[1] Owen, *Works*, xv. p. 527.
[2] Bunyan, *Works*, III. p. 162.
[3] *Discourse*, I. p. 17.

of the revealed law of God, positive law, or natural law. Hobbes was of the belief that ideas of justice, goodness, etc., were only "theorems" of morality, until they were made binding by positive law[1]. He did not imply that there is no such thing as justice, until the magistrate has said what it is. What he meant, was that there is no obligation to justice except in the command of the magistrate. The Church as a whole held that the obligation of morality rests on the two sets of positive commands given by God and revealed in the Bible—the law that was given to Moses, the ratification of this law in the Gospels. The Platonists held that neither God nor man creates the obligation to obey laws. The obligation to morality is in the mind itself.

Hobbism implies the complete authority of the State as the means for the preservation of morality and society. The second view implies a compulsion to membership in the Church, which has received the positive law of God. The third view emphasises something different. By the power of reason we arrive at certain duties to God and our neighbours. We know that there is a God and that God must be honoured and worshipped in public. We also know that, as well as aiming at self-development and self-preservation, we must do to others as we would have them do to us. These are the primary principles of divinity and morality, known to every member of a civil community by the fact of his being a rational being. On this foundation are laid creeds, articles,

[1] *Leviathan*, p. 104.

dogmas, theologies, drawn from the Bible or elsewhere. Differences of opinion spring up. But underneath remains the one common foundation. This is what the Platonists emphasised. "The community is bound together by moral principles, which underlie and survive differences of opinion[1]." They were far from denying the importance of the Bible and the positive laws of a community. On the contrary they were, together with the Nonconformists, the strongest upholders of the study of the Bible in their time; and they got the reputation of being time-servers because of their willing obedience to authority. But in saying that there were motives that called for good life other than those of obedience to Church or State they were putting toleration on a new and firmer basis. By making morality a part of natural religion they destroyed the contention of the opponents of toleration that the safety of the State rests upon the uniformity of doctrine among its subjects.

which has important results for toleration.

Conflicts between natural and divine law were not discussed. The law of nature no less than the law revealed in Scripture was conceived of as emerging from the mind of God. By the light of nature and the power of reason we realise the former. The latter appears to be but the highest amplification of the light of nature. There is no occasion to reconcile the two. But no question was more common than that of the conflict between the law of nature and the positive law of the land. It

The relation of positive law to natural law,

[1] Creighton, Hulsean Lectures, *Persecution and Tolerance*, p. 131.

was generally agreed that the object of positive law was a codification of the unwritten laws of nature with the specification of punishments for their non-observance. According to this rule the duty of the magistrate is to preserve property and to maintain the essence of morality and religion. All the requirements of the laws of nature, as they were conceived of in the seventeenth century, may be summed up under these three heads. Cases, when the two systems seem to be in antagonism, have occupied the human mind from the day when the *Antigone* was written until now. This was the excuse for the Revolution of 1688. It is the excuse of all who break laws because they cannot conscientiously obey them. Reference has already been made to the way in which the penal laws were contrary to the law of nature as being destructive to property. In what way do they contradict the remaining part of the law of nature, morality and the right to worship God, which together make up the basis of natural religion? No laws were brought forward, which seemed to impose a false and unnatural system of morals. But the whole of the Clarendon Code, inasmuch as it put checks on the public worship of God, was looked upon as contrary to natural law. There was a strong belief that men have a natural right to worship God as they think fit. No objection was seen to measures compelling the public worship of God, because the power of the magistrate was held to extend as far as natural religion extends[1]. How far natural religion does

in particular to natural religion.

What is natural religion?

[1] Cf. the tract *Liberty of Conscience in its order to Universal*

extend, is another point. There was a common agreement that it called for belief in the existence of God. It was no less granted by all that men arrive by a rational process at a belief in certain rules for the public worship of God. But by a rational process almost anything can be defended. Not only can the doctrine of the Trinity be defended on the grounds that Reason calls for a belief in a Redeemer, or sacrifices asserted to be "natural" as supplying the need, felt by the human soul, of appeasing an angry God. Liturgies can be and were upheld for the same reasons[1]. Of course there can be no way of proving that any particular ceremony is "natural." The book of Job was maintained to be a treatise of natural theology[2]; but a religion that claims Reason for its basis cannot point to a passage in a particular book, in the same way as a religion that claims to be based on the revealed word of God, and produce a concrete proof of its reality. All that believers in natural religion could do, and did, was to state that some ceremony was right, either because it seemed "natural" to themselves or because it could plead antiquity and universal acceptance among mankind at large[3]. Those who believed in natural religion were generally at this time upholders of instituted religion.

Peace, p. 48. The tract was written in 1681—obviously by some follower of the rationalist theologians.

[1] Cf. Denton, *Ius Caesaris et Ecclesiae Vere Dictae*, p. 117.

[2] *Liberty of Conscience in its order to Universal Peace*, p. 52.

[3] More makes the point that the very existence of conventicles proves that men find public worship essential and natural. Cf. *Grand Mystery of Godliness*, ch. xiv.

The revealed word of God was considered to be a corroboration of doctrines which had been or could be arrived at by the power of Reason alone. The distinction between natural religion and instituted religion was however kept. Benjamin Whichcote, the first of the Platonists, pointed out "the moral part of religion consists of things good in themselves, necessary and indispensable; the instituted part of religion consists of things made necessary only by the determination of the Divine will[1]"; "all the differences in Christendom are about institutions not about morals[2]." Compulsion, although just in natural religion, which binds all men as rational creatures, becomes unjust in the case of institutions, which are due to the various human interpretations of the Divine will, and can only be accepted by a certain number.

Religions that contradict natural law or natural religion are intolerable.

From this standpoint religions which promote or countenance vice and immorality cannot be tolerated. Religions, which compel practices directly contrary to the principle of self-preservation, which is as "natural" in the State as the individual, must be equally prohibited. For instance, if a passion for virginity was so much stirred up by the preachings of a church, that it gave rise to measures resulting in the emasculation of a certain number of the male children, the State would be justified in banning that religion. In addition to this, religions, whose very nature consists in persecuting people who belong to different forms of religion, may be rightly prohibited, because

[1] See Tulloch, II. p. 109.

[2] *Ibid.*, p. 107.

it is as "natural" for a Church to preserve itself as it is for an individual or a State[1]. With these exceptions the rationalist theologians, with their belief in the sanctity of the conscience as "the candle of the Lord," were bound to grant liberty to all opinions based on reason and a rational interpretation of Scripture. Thus they could tolerate the Quakers, if the Quakers could give a rational account of what appeared a mere enthusiasm[2]. They could tolerate Baptists, if they renounced all connection with the immorality and anarchical notions of government connected with their continental namesakes[3]. They could tolerate Roman Catholics, as far as their religion was based on reason and not a blind following of authority, as far as it renounced the civil authority of the Pope, and as far as it promised in its turn to give religious liberty to members of other religious bodies[4]. The atheist has no tie of conscience. He has directly shut out the light of Nature, which reveals to all men the existence of God. The voice of conscience, which is the command of God, cannot be heard by him. He has renounced natural religion, the knowledge of right and wrong as well as the belief in God. For that reason he has no right to the liberty of what he does not own, conscience and religion[5].

[1] Cf. More, *Grand Mystery of Godliness*, ch. XIII. for the whole of this passage.

[2] *Ibid.*, ch. XIII.

[3] Cf. Taylor, *Liberty of Prophesying*, §§ 18 and 19.

[4] *Ibid.*, § 20. This passage and the last show the sort of method employed.

[5] More, *Divine Mystery of Godliness*, ch. X.

§ 2.

Hobbes really a Latitudinarian.

As a utilitarian Hobbes had been led to advocate measures of compulsion in religion. As a rationalist he is forced entirely to change his ground and to plead for a liberty of conscience. "Because belief or unbelief never follow men's commands[1]" he cannot see the use of compulsion in the case of any who believe the one essential thing "that Jesus is the Christ." Far from asserting the necessity of Episcopacy or Presbyterianism, he thinks that Independency "is perhaps the best[2]," because it frees the reason from all authority but that of the Bible. In this respect Hobbes is not in agreement with other rationalist theologians. But he seems really to have meant by Independency the individual liberty of prophesying, which Taylor had advocated, more than the sectarian Independency with which that term was generally associated. He never definitely explains his double attitude. But probably he had a conception of a Church in close resemblance to that of the other Latitudinarians—the combination of "varietas opinionum" and "unitas opinantium."

Latitudinarians and (a) ceremonies,

The whole question of ceremonies and Church government was treated by the Latitudinarians in a manner entirely new to the supporters of the national Church. In the first place they held that the existence of many ceremonies is the sign of a

[1] *Leviathan*, p. 345.
[2] *Ibid.*, p. 488 and the whole passage.

low type of religion[1]. Believing in the necessity of some ceremonies they formulated three criteria by which they should be tested. In any of the three following cases a ceremony must not be rejected, (i) when the reason for a ceremony ordained in Scripture obviously still exists, (ii) when God has expressly declared a ceremony to be binding for all time, (iii) when a ceremony is necessary to the existence of the Church. For all these reasons the Sabbath is a necessary institution. There still seems to be a reason for setting apart one day in seven for rest and worship; "the general consent of nations as to the seventh part would speak fair to the voice of nature[2]." There is scriptural warrant in both the Old and the New Testament for the perpetual observance of the Sabbath. There must be one day in the week, on which business is stopped to give men the opportunity to worship God in public at Church. But if the Sabbath is a necessary ceremony, there is no necessity to keep it on the last day of the week. That was a temporary command with a special application to the Jews and a special reference to their deliverance from captivity.

(b) Church government.

The application of this principle to Church government was very fully made by Stillingfleet in his *Irenicon*. The book is of no great intrinsic value; but it illustrates well the methods of the rationalist theologians. In the first place Stillingfleet proves that a separate order of priests was a

[1] Cf. *Liberty of Conscience in its order to Universal Peace.*

[2] Stillingfleet, *Irenicon*, p. 13. Cf. all ch. I.

condition meant for perpetual observation, and thus excludes the Quakers. In the second place, he proves that congregationalism was due to the particular conditions existing at the time of the birth of Christianity, and that therefore a plain biblical defence of Independency is not sufficient. In the third place he asserts that neither bishops nor presbyteries can be expressly drawn from Apostolic practice. He is of belief that either the episcopal or the presbyterian system is the most suitable for a Church that has grown from being the Church of isolated cities into the established Church of a nation. In conclusion he quotes Cranmer, Whitgift, Hooker, James I, Hales, Chillingworth, Grotius, Bacon, Melancthon, the Articuli Schmalcaldici, Calvin, Beza, Jewell, Bancroft, Andrewes and others who agreed with him in admitting that episcopacy and presbyterianism are equally convenient forms of Church government, though they had a personal preference for the one or the other. The book was written with the express purpose of promoting a scheme of reconciliation between the Anglican Church and the Presbyterians. The main conclusion, that there is no divinely appointed form of Church government but that the question rests on considerations of convenience, is of great importance. It alters the grounds for defending the episcopal government of the Church of England. It implies that Congregationalism of any form is just as tolerable as the Episcopal or Presbyterian system, if it can be proved useful to modern conditions. It strikes at the roots of the Anglican system.

Compulsion in non-essentials.

The division of doctrine into things fundamental and things indifferent, which was accepted by the Anglo-Catholic no less than the broad school of churchmen, was pointing in the same direction. Laud, Parker, Thorndike, without any belief in natural theology, agreed that many of the ceremonies of the Church of England were more convenient than necessary. But they deduced from this that there can be no objection to requiring their observance. Broad churchmen, on the other hand, argued that there can be no objection to tolerating differences in what are acknowledged to be purely questions of convenience. They knew that it was "not the text but the comment that is disputed." The pamphleteers of the period are never tired of quoting Charles I's advice to tolerate variations "in the skirts and suburbs of religion." It was recognised that orthodox Anglicans were in agreement with the so-called "heretics" on the fundamentals of religion. But the more violent supporters of the Church of England could not be induced to acknowledge that certain convenient ceremonies had been made by circumstances inconvenient, and that therefore it was more prudent to refrain from making their observance compulsory.

Toleration of individuals and toleration of sects.

It should not be forgotten that the rational theologians, although willing to permit variations in ceremonial, were not advocating liberty of public worship for separate religious bodies. Their belief in the duty of Christian love and fellowship led them to emphasise the spiritual unity of all true Christians. As advocates both of unity and of

individualism in religion they revolted against the exclusiveness of the sects. But the methods which they used to justify the doctrines of the various sects, which they wished to bring back to unity, could also be employed to justify the existence of the sects themselves. If the right of individuals to hold various doctrines is conceded, it is but one step further to concede the same right to communities. They acknowledged the impossibility of uniformity. They did not acknowledge the impossibility of a federation composed of isolated units. They made constant allusions to the law of nature, which asserts the natural sociability of men. They believed that man is naturally an ecclesiastical animal as much as he is a political animal[1]. But they carried the analogy of family, city, nation, from politics to ecclesiastics, and concluded that the National Church was the best. A belief in the necessity of sociability, taken by the side of a belief in the impossibility of uniformity, would more naturally lead to the settlement of the religious question on sectarian lines. On these lines it was actually settled. The Latitudinarians up to a certain point held and helped to popularise the views of the Dissenters on this subject. Their hatred of the dogmatism of the sects made them actually propose a toleration not outside but inside the Church.

Most Latitudinarians support comprehension.

Although the Latitudinarians emphasised so strongly the necessity of unity, they did not all give active support to the various proposals for comprehension. Simon Patrick did not defend the

[1] Cf. Stillingfleet, *Irenicon*, p. 82.

Comprehension Bill of 1668. In some of them latitude simply took the form of a strong defence of the Episcopal Church by way of protest against the narrowness of Calvinistic Puritanism. Lewis du Moulin in his *Appeal to all the Nonconformists in England,* written in the year 1680, for this reason complains that it is the Broad Churchmen who have been most responsible for the perpetuation of the religious feud. Similarly there were some Nonconformists who preferred comprehension to toleration[1]. Corbet expressly says so[2]. But in spite of this the greater majority of Latitudinarians were actively engaged in advocating schemes of comprehension just as the greater majority of the Dissenters were occupied in petitioning for toleration.

Chillingworth their master.

Taylor, More, Baxter all wrote polemical works against Papists, Baptists and Quakers. But none the less they formed schemes for comprehending them. The attitude which they all adopted was that of Chillingworth.

Chillingworth wrote in the *Religion of Protestants*: "it is sufficient for any man's salvation to believe that the Scripture is true and contains all things necessary for any man's salvation; and to do his best endeavour to find and believe the true sense of it; without delivering any particular catalogue of the fundamentals of faith[3]." But at the same time for the actual reunion of Christendom he was forced to propose a catalogue of fundamentals,

[1] Cf. Baxter, *Works*, III. p. 100.

[2] *Discourse of the religion of England*, Pt II. § 18.

[3] *Religion of Protestants*, I. p. 322.

the Apostles' creed, "the analysis (according to Taylor) of that which S. Paul calls 'the word of salvation whereby we shall be saved,' viz. 'that we confess Jesus to be the Lord and that God raised him from the dead[1].'" At the same time he pointed out that the creed contains nothing more than rules of faith—*credenda*, although rules of action—*agenda*—are equally important. "Neither yet is this...to take away the necessity of believing those verities of Scripture, which are not contained in the Creed[2]." His position is not inconsistent. He believes in the unity of spirit not the uniformity of doctrine. But there cannot be a unity of spirit without a common basis of belief.

Union round the Bible and Apostles' Creed.

The whole Latitudinarian school followed this lead. The keynote to their theory is—"May that be rejected as an innovation, which is not as old as the apostles; and nothing imposed upon ministers or people, but what hath footing or warrant in the holy Scriptures[3]." "It is impertinent...to require a man to believe anything more than is clearly contained in Scripture," wrote Bishop Croft[4]. "Let some plain, general and necessary truths be laid down in Scripture terms," added Penn in a Latitudinarian frame of mind, "and let them be few[5]." Anglicans, Roman Catholics, Grecians, Lutherans, Presbyterians, Independents, Anabaptists, Quakers,

[1] Taylor, *Works*, VII. p. 448.

[2] *Religion of Protestants*, II. p. 36.

[3] *A Proposal for Union—Dr Sands' last view*, 1679.

[4] In the "Naked Truth," Somers' *Tracts*, VII. p. 274.

[5] *An Address to Protestants upon the present conjunction.*

Socinians could all unite round the Apostles' Creed[1]. More would let all communicate, who believe the Scripture and the Apostles' Creed[2]. The same proposals were reiterated again and again by all who set their hopes on unity and concord. But such proposals were destined to come to nothing. All the concrete schemes for uniting the Presbyterians with the Church of England met with failure. They were mostly based on Archbishop Ussher's practical and sensible scheme of combining bishops and presbyteries, and making such alterations in the Prayer Book as such a comprehension would necessitate. If these practical attempts at reconciliation met with the same failure as had followed all such attempts in the history of the Reformation on the continent, how could more far-reaching ideals ever hope to be realised?

Difficulties of an all-embracing scheme.

There are only two reasonable methods of forming an all-embracing scheme of comprehension. One is to collect "such points as all the true Christians of the world are now agreed in[3]." The other is to add together the fundamentals of all the various forms of the Christian religion. Difficulties are encountered in both cases. If the Quakers are to be considered "true Christians," the ceremonies of the new all-comprehending Church must be very few, in fact only those ceremonies which the Quakers admit. If the Baptists are to be considered "true Christians," with their belief in adult baptism as a fundamental,

[1] *A Persuasive to Moderation to Church Dissenters.*

[2] *Grand Mystery of Godliness*, p. 541.

[3] Baxter, *Works*, VI. p. 187.

some method must be found, which can reconcile it with what is considered by other Churches a fundamental—infant baptism. Neither scheme is impossible on paper, much less a scheme for comprehending only Anglicans, Presbyterians and Independents; but paper schemes ignore the human element in man, all the accidents and circumstances that alter the course of every movement, great or small.

Summary. The time that was spent in discussing Comprehension in the seventeenth century was not wasted. It helped men to understand the reasonableness of the various opinions with which they could not agree. This by no means makes persecution impossible. Men persecute for opinions which they consider reasonable but wrong. Nevertheless it made toleration easier. Discussions of Comprehension can never make men believe in the right to differ; but they may produce a recognition of the reasonableness of differing. It is necessary to make the further assumption that what is reasonable is right. Any particular belief may not be right to everybody; but those who believe it have a right to retain their belief. Viewed in this light discussions on comprehension are only one step towards a belief in toleration. That was their value. Comprehension was a great ideal. It came from within the Church, and so was religious rather than political, originating in the belief in the necessity of a rational as opposed to a traditional interpretation of Scripture. The defence of the ideal in the case of the Platonists led to a defence of natural religion and

natural law. Morality is the greater part of natural religion, and morality is very closely connected with social order. In this way the religious ideal was not entirely distinct from the political theory of toleration. It contributed suggestions which are as valuable to a toleration without as a toleration within the Church.

CHAPTER IV

TOLERATION AND LOCKE

"C'est la lutte de l'esprit scolastique et de la science moderne."
BASTIDE, *Locke*, p. 254.

§ 1.

The old theory of Church and State already destroyed.

THROUGHOUT the entire reigns of Charles II and James II toleration had been advocated from the most various quarters. The King, the Whig Lords and the more independent members of the House of Commons used the same arguments as the poor and despised sectarians whom they persecuted. Baptists, Quakers and Independents found themselves in agreement with the Liberal members of the Church, from which they had seceded. Philosophers, scientists, sceptics and atheists made common cause with Roman Catholics. Even Thorndike, the intellectual leader of the Anglo-Catholic party in the Church of the Restoration, was forced to grant that "certainly it may be and perhaps it is justifiable for the secular power to grant [Dissenters] the exercise of their religion, in private places of their own providing, under such moderate penalties as the disobeying of a man's country might require[1]."

[1] *Works*, v. p. 40.

It was not only the poor but the rich, not only the rabble but the trading classes and the owners of property, not only the nation but the Universities, that proclaimed the right of liberty of conscience.

Although the medieval theory of the coincidence of Church and State was still supposed to be the basis of government in England, of the two brothers who filled the throne during the period under consideration and became head of Church and State, one was not even a member of the Church of England in name, the other was well known to be a member in little else. James II embraced Roman Catholicism publicly. Charles II had no religion at all during his lifetime, and became a Roman Catholic on his deathbed. Shaftesbury, Halifax, Buckingham, Clifford, Coventry never tried to conceal the fact that they were not orthodox believers in the established religion of the land which they helped to govern. At intervals conventicles were tolerated. Between these intervals, without permission and with varying success, Dissenters assumed the right to enjoy a liberty no less than that which was conceded to the Dutch and French refugees in England. It was obvious that the system of a united Church and State had broken down. Politicians with no other theory than empiricism were compelled to advocate in practice some form of the religious liberty to which all the movements of the age pointed. None but the most reactionary idealists continued to proclaim the old theory. The facts no longer fitted. It was directly contradicted by the indifference to religion which was so unmistakable at Court, and

the deep-rooted existence of nonconformity in the nation at large. In addition to this a new ideal had been spread through the land. Liberty was a conception no less magnificent than Unity. It would challenge the old ideal on its own ground as an ideal. But, what was of even greater importance, it was a little nearer to the facts.

Locke and the construction of the new theory.

In spite of all the arguments which individualists, rationalists, latitudinarians and utilitarians had contributed with such persistence to the new ideal, no complete theory of toleration had been tabulated.

(a) His position in England.

This work was reserved for one of the greatest and most clear-seeing minds of the age, that of John Locke. Locke was eminently suited for the performance of this task. He was a man of the widest interests. Most of his predecessors had been in sympathy with more than one of the movements which were making for toleration. This was inevitable because of the connection of these movements with each other. But Locke embraced all of them in their entirety. We may feel with Lady Masham that a reverence for Reason is the key to all his work; or we may say, what comes to much the same thing, that all the aspects of his life may be summed up in an intense individualism. Rationalism is nothing more than individualism applied to the intellectual. But, however we look at his work, we cannot help being amazed at the breadth of his sympathies and interests. He had received a scientific as well as a classical education. His future seemed to lie either in the study of medicine or in the Church. But yielding to the advice of

Shaftesbury he turned to politics. The result was that by the year 1673 Locke was no less at home at the meetings of the Council of Trade, to which he was appointed secretary, than at the meetings of the infant Royal Society. His circle of friends was as large as were his interests. William III trusted him sufficiently to offer him an ambassadorship. He was loved by Algernon Sidney the republican and Penn the Quaker. He developed a friendship in later life with Newton. He was known to Baxter, Wilkins, Tillotson, Simon Patrick, Barrow, Cudworth and most of the broad theologians of the day. He was bound by his sympathies with liberty, civil, religious and intellectual, to all sorts and conditions of men. But there are two friendships which above all illustrate Locke's personality. He occupied a peculiar position in the affections of Shaftesbury, in whose family he spent much of his early life. This friendship based on a real intellectual sympathy was lifelong. Shaftesbury on his deathbed confessed that his inspiration and religion were drawn not from the Bible but from the tenth chapter of his friend's great *Essay on the Human Understanding*. His relations with Lady Masham, the daughter of Cudworth, were of a still more intimate nature. The natural affection which they had for each other was deepened by their common religious and philosophical views; and no part of his life seemed to Locke more full than what was spent at the house of the Mashams at Oates. Locke's was a mind of such strength and independence that he contributed more to the mental

development of his friends than they to his. His early writings show a remarkable consistency with the product of his more mature genius. But his friendships, if not of vital importance to the development of his views, are concrete proofs of the width of his mind. They show that there was no great progressive movement in which he was not interested. He identified himself with them all and summed them up in a philosophy—a system of metaphysical, ethical and political thought, which was destined to dominate the next century.

(b) His exile in Holland.

Locke's rationalist and political views, illustrated by these friendships, early led him to interest himself in the question of toleration, as is shown by his admirable essay on the subject, written in the year 1667. But circumstances brought him into a more direct contact with the problem. In 1683 Locke had to take refuge as a political exile in Holland. His connection with Shaftesbury had been too close to make it safe for him to remain in England after his patron's fall. The Netherlands were at this time the retreat for many of the oppressed sections of the European nations, the home for all those whose views were in advance of their times. In practice Brandenburg enjoyed a more complete form of religious liberty than any other country in Europe, with the result that the number of immigrants was enormous[1]. But what was practised by

[1] For the question of toleration in Brandenburg see Dr A. W. Ward in the *Cambridge Modern History*, v. pp. 645–9. He gives the number of immigrants from 1670 to 1770 as 600,000. Cf. Weiss, *Histoire des Refugiés*, Book II.

the government of Brandenburg was made into a theory by active minds in the Netherlands. From 1629 to 1649 Descartes was formulating in Holland that science which was to lead the Platonists and Locke himself to views of religious liberty. Spinoza, whose parents had taken refuge in Holland from the persecution which was inflicted on the Jews in the Spanish peninsula, spent his life in various parts of the Netherlands, and in spite of the unpopularity of his doctrines succeeded in getting his famous *Treatise* published anonymously in 1670[1]. Basnage de Beauval wrote his pamphlet on *Tolérance des Religions* in 1684, and in 1686 his compatriot Bayle produced in his *Commentaire* a system of absolute religious equality. All these works were published in Holland; and it was the presses of Amsterdam that poured forth all the lesser expositions of the doctrines of liberty, which the Tory censor would not permit to be printed in England[2]. Geneva had been the pattern city of theocracy. The Netherlands were the pattern State of religious liberty.

Composition and importance of the Letter.

It was here that Locke was led to tabulate in a letter to the greatest friend of his exile, Limborch, a theologian of tolerant and latitudinarian temperament, his complete theory of toleration. It was

[1] His connection with toleration may be seen from the title of his work, "Tractatus Theologico-Politicus continens dissertationes aliquot, quibus ostenditur libertatem philosophandi non tantum salva pietate et reipublicae pace posse concedi sed eandem nisi cum pace reipublicae ipsaque pietate tolli non posse."

[2] Sir Roger l'Estrange was "surveyor of the imprimery" from 1663.

never meant for publication, but, although only a private letter to a personal friend, it contained almost everything that has been said to this day on toleration. It systematised and compressed into a few pages all the remarks of value that had been made in the various writings preceding its composition. But the letter must not be taken by itself. Locke's early essays and *Common Place Book* (not meant for publication either) show that it was not to the influence of Bayle or Basnage de Beauval but to his own philosophy that his theory of toleration is due. In them as much as in the better known letters his views were developed. Each helps to explain and supplement the other.

No writings of Locke were published until after the Act of 1689. But it is impossible to resist the conclusion that the ideas on religious liberty held by the Whig party were largely due to the influence of Locke. His influence with Shaftesbury was great. His friendships were many. By private or political conversations his unpublished ideas must have been circulated in the intellectual circles of England long before their publication. The Letter which was published in 1689 does nothing more than supplement the earlier writings. Together they form a complete theory of toleration, based on Locke's double experience in England and Holland, so formulated as to be at the same time logical and practicable. Its value is no less, because England took more than a century to digest it.

Locke's statement of the question.

Locke, like his predecessors, saw that the controversy about toleration is more connected with

politics than religion. He put the same old questions: What is the purpose of the State? What is the purpose of the Church? And what is the sphere of the civil magistrates' jurisdiction in matters affecting religion?

His conception of the State.

If Roger Williams had clearly stated that the qualification for magistracy is capability and not religion, the Independents had returned to the old idea that magistrates must be "godly" above all things. The State was still in their eyes subservient to the Church, in the same way that this world is subservient to the next. The importance of religion loomed so large before them, that it was bound to regulate their civil as well as their ecclesiastical interests. Locke was firm. He made a complete distinction of the objects of the two societies. "The Commonwealth," he wrote, "seems to me to be a society of men constituted only for the procuring, the preserving and the advancing their own civil interests. Civil interests I call life, liberty, health and indolency of body; and the possession of outward things, such as money, lands, houses, furniture and the like[1]." This was Locke's main thesis. It was attacked from all quarters. Jonas Proast, the first antagonist whom Locke chose to answer, set up the alternative thesis "that civil society is instituted for the attaining of *all* the benefits that it may in any way yield[2]." His assertion was the very one that Locke had attempted to destroy, the justification of all theocratic and Erastian systems,

[1] *Letter* I, p. 5, in the 1870 reprint of the 7th edition.

[2] Cf. *Letter* II, pp. 78 ff.

the source of all the confusions which were associated with those systems. Locke was as ready as anybody to grant that there are things other than property which are beneficial to a State. A love of art or science may make men not only happier but better citizens than indifference to these things. But he would not draw the conclusion that therefore men must be compelled to attend the theatre or lectures on mathematics. He would grant with Halifax that religion is as "necessary to our living happily in this world as to our being saved in the next[1]." But he would not conclude that therefore civil society has the salvation of the soul as its primary object and may use force for its attainment. His reasons are those which had already been urged—the impossibility of conforming one's faith to the dictates of another, the essence of faith itself—"Faith is not faith without believing[2]," the consequent uselessness of force. If a verbal subscription to articles of faith was enough to save a man's soul, there was some excuse though little need for compulsion. But when it is granted that faith is an inward thing, and "only light and evidence can work a change in men's opinions," the use of fire and sword becomes unintelligible.

The civil magistrate's power.

Force is the weapon of the magistrate and punishment his power. Punishment was not in Locke's view reformatory. He expressly states again and again that penalties cannot change men's opinions. Penalties are as necessary as the laws which they enforce; they are as utilitarian as those

[1] *Trimmer*, p. 301. [2] *Letter* I, p. 6.

laws. They prevent temporarily or permanently the repetition of offences; but they do not change the mental attitude which produced them. A magistrate has as much right as any other member of society to try to persuade offenders into paths of reason. "Magistracy does not oblige him to put off either humanity or Christianity[1]." But his privilege as magistrate is to use force; and force is useless in questions of religion.

Just as a man "not having the power over his own life cannot by compact or his own consent enslave himself to any one[2]," so a man cannot give up his religious liberty. No law which condones slavery or persecution is legitimate, and magistrates have no right to enforce it. They have been entrusted with definite powers by the people, to preserve every member of society, in accordance with the law of nature, in the enjoyment of their life, health, liberty and possessions. They must forbid persecution as much as slavery. Compulsion in matters of religion is as "unnatural" as it is useless. The duty of the magistrate consists not in compelling forms of religious belief, but in forbidding such compulsion.

In his second letter on toleration Locke told a small story which brings the use of compulsion down to an absurdity. There were two brothers of the name of Reynolds of scholarly disposition. One was a Catholic, and one a Protestant. On giving to each other the apologies for their religious beliefs each

[1] *Letter* I, p. 6.
[2] *Of Civil Government*, ch. VI.

converted the other. The Protestant brother adopted Catholicism and the Catholic brother adopted Protestantism[1]. The absurdity of punishing the one brother without the other is too obvious to need comment. In view of such possibilities persecution is as unreasonable as it is useless and unnatural. The only method which can avoid inconsistencies, is to leave the question of religion, no less than the question of arts and sciences, to the individual to decide in connection with the particular societies, which have been formed for the regulation of these things.

Locke's conception of the Church.

If "the end of civil society is civil peace and prosperity, or the preservation of the society and every member thereof in a free and peaceable enjoyment of all the good things of this life that belong to each of them; but beyond the concernment of this life, this society has nothing to do at all[2]," what is a Church and what is the end of religious society? Locke defines a Church as "a voluntary society of men joining themselves together of their own accord in order to the public worshipping of God, in such a manner as they may judge acceptable to him and effectual to the salvation of their souls[3]." "The end of religious society," he writes, "is the attaining happiness after this life in another world[4]." These definitions presume an entire system of toleration.

[1] *Letter* II, p. 51.

[2] "On the difference between civil and ecclesiastical power," printed in King's *Life of Locke*, II. p. 109.

[3] *Letter* I, p. 7.

[4] King, *Life*, II. p. 109.

If a Church is a "voluntary society," it alters its nature when placed on any other footing. The Independents on theological grounds had explained carefully the connection of the "particular church" with the "church general visible" and the "church catholic[1]." Locke, regarding only the political aspect of the ecclesiastical question, confined himself to the definition of the "particular church," adapting that given by the Independents, "Wheresoever two or three are gathered together in my name, I will be in the midst of them[2]." This promise, sanctifying the natural instinct to public worship, formed the basis of Locke's ecclesiastical theory.

The idea that the religion of parents descends to their children by a system akin to that of land tenure seemed irreligious and irrational. "Nobody is born a member of any church[3]." A deliberate effort of the mind is essential to membership.

Church officers' power.

A religious society must have officers and regulations no less than any other human society. It is natural to such a society apart from any direct command from God. But the power of its officers is of a nature altogether different from the power of the civil magistrate. Corporal punishment or a distraint upon property are justified in a society whose object is utilitarian, pretending to nothing else but a preservation of these things to those who keep the peace. Justice of the Peace is a very good title for the civil magistrate. For a religious society, whose end is the enjoyment of eternal happiness

[1] Cf. Owen, "Of Schism," *Works*, XIII. p. 206.

[2] Cf. *Letter* I, p. 8.

[3] *Ibid.*, p. 7.

in the future, a different theory of punishment must be found. Punishment must be reformatory, aiming always at producing an inward change in the soul. This is not produced by corporal punishment or distraint upon property, but by "exhortations, admonitions and advice[1]." As a last resort, if persuasion fails, the Church must be given a right to cut off or excommunicate the offender for the sake of the rest of the members. There her power stops. Such a man retains all his rights of citizenship, his property and his franchise, because his offence in no way concerns the life, health, liberty or property of his fellow citizens.

These are the broad distinctions between the spheres of Church and State, civil and ecclesiastical authority, which Locke draws with absolute certainty. The Church has no business with the affairs of this world, the State has no concern in the salvation of souls. The officer of State punishes offence against person or property in kind; the officers of the Church use intellectual processes in dealing with what the Church considers to be intellectual errors. So far the path is easy.

The civil magistrate and religious ceremonies.

"Speculative opinions and divine worship[2]" (to use the words of his early essay) have an absolute and universal right to toleration. No one is disturbing his fellow's liberty by disbelieving in the Trinity any more than by being sceptical as to the truth of the antipodes. He is as much at liberty to hold what

[1] *Letter* I, p. 9.

[2] Fox Bourne, *Life of Locke*, I. p. 176 (where the essay is printed).

views he likes in a civil society as if he were alone on a desert island. His faith damages no rights or property. Reason requires the public worship of God. But it does not affect the community in what way public worship is held. One day's rest in seven is essential to the well-being of the nation; but it is irrelevant on what day the Sabbath is observed. It is a matter of equal indifference, what posture is adopted at the Communion, whether a liturgy is used, or at what age a man is baptized. Of themselves all doctrines and ceremonies are harmless.

The officers of the Church may enforce the ceremonies which they consider essential to their own form of worship. That is the chief reason for their existence. But they must never forget that the *raison d'être* of a Church is to obtain the favour of God. They must not "impose any ceremonies unless positively and clearly by revelation enjoined, any farther than anyone who joins in the use of them is persuaded in his conscience they are acceptable to God[1]." The civil magistrate ought to enforce no ceremony. Andrew Marvell had drawn a parallel between secular and religious ceremonies. He had shown the result of Alexander the Great's attempt to make the wearing of Persian dress compulsory among his Greek followers; he had told the story of Gessler's hat[2]. Compulsion in matters of ceremony of all kinds is usually dangerous and conducive to sedition. But this is not the point

[1] From the *Common Place Book*, King, II. p. 100.

[2] *Rehearsal Transprosed*, pp. 244 ff.

that Locke wanted to emphasise. A law that made baptism compulsory for the enjoyment of civil rights would be not only dangerous but wrong. A magistrate may compel washing as a preventive to disease; but to compel baptism as a means to salvation is not within his jurisdiction[1]. His duty with regard to doctrines and ceremonies is securing toleration for them. Any further interference is an encroachment on the sphere of the officer of the Church.

The civil magistrate and morality.

In addition to doctrines and ceremonies the whole question of morality has to be considered in treating the problem of liberty of conscience. It is true that the disputes of the period under consideration had been about theology more than morality. The necessity of a uniform code of morals was accepted by all. But, in order to put the theory of toleration on its proper ground, Locke saw as well as the Latitudinarians, that the question of the magistrate's sphere in morality must be also threshed out. Morality is the connecting link between theology and politics. It is here that the separate spheres of Church and State can be most clearly seen, because morality can have as direct an influence on the civil society as on the individual soul.

In the sphere of morality Locke made a distinction between things of indifference and things good or bad in their own nature, both of which concern society. Divorce in itself is a question

[1] *Letter* I, p. 20. We should now use the vaccination laws as an analogy.

on which men entertain various opinions. These opinions have an *a priori* right to toleration. But as the question of divorce affects the community at large some fixed rules must be made. If laws which make divorce an easy matter are considered to be beneficial to the moral and physical welfare of the nation the magistrate must act in accordance with them, although he himself may think it a sin to countenance the marriage of a woman who has been divorced. Cases of this nature are not infrequent with laws connected with religious questions. It was necessary for Locke to draw attention to them because of the discussions which were common at the time about the duty of both magistrate and subject, when their "personal conscience" seemed to contradict their "public" or "political conscience[1]."

The duty of the magistrate with regard to things good or bad in themselves, the second table of the decalogue, the "virtues" of the ancient philosophers, was to Locke perfectly clear. He realised that as a matter of fact vice is always forbidden by law. But in the very fact he saw a source of confusion. The Nonconformists had used no uncertain terms about the duty of the State to enforce morality and the privilege of the godly to rule the ungodly. The Cambridge Platonists had given to the magistrate a complete control over morality, because they regarded morality as a branch of natural religion and they considered the sphere of the civil magistrate

[1] Cf. *Tolleration discussed in a dialogue, etc.*, p. 251. *Liberty of Conscience in its relation to Universal Peace*, pp. 50, 43, etc. Parker, *Ecclesiastical Polity*, p. 308.

coextensive with the sphere of natural religion. Locke felt that morality in itself was outside the jurisdiction of the State, although it incidentally became included. "The lawmaker hath nothing to do with moral virtues and vices, nor ought to enjoin the duties of the second table any otherwise than barely as they are subservient to the good and preservation of mankind under government. For could public societies well subsist or men enjoy peace or safety without the enforcing of those duties by the injunctions and penalties of laws, it is certain the law maker ought not to prescribe any rule about them but leave the practice of them entirely to the discretion and consciences of his people[1]." What Locke meant is that murder and theft only come under the jurisdiction of the civil magistrate because they imply damage to life and property. The State sees these things as crimes not as sins. As criminals, thieves and murderers are punished; as sinners, they can only be shown the evil of their ways and left to their consciences and their God. Locke takes John Stuart Mill's favourite instance of drunkenness[2]. For the sin of losing self-control the drunkard may not be punished, as a disorderly citizen he is rightly put in prison. The distinction cannot always be made in practice, but nevertheless it remains in theory. Actions and opinions which affect the peace and order of society in this world must be judged by the civil magistrate; actions and opinions which

[1] The early *Essay*, Fox Bourne, I. p. 181.

[2] See the extract from Locke's *Common Place Book* in King, II. pp. 94–5.

affect the salvation of souls in the next world must be settled in another tribunal.

Cases may occur where a positive virtue is restricted by the magistrate. Charity is a virtue. But the lawmaker may for the good of the State forbid the giving of alms to beggars[1]. The lawmaker does not and may not compel men to renounce charity as a virtue. All that he does is to dissuade men from the outward practice of it. They still have their liberty of conscience, they are still subject to, or (in Locke's language) "free of," the law of nature, although they obey a law which seems externally contradictory to that law.

This is Locke's answer to those who expressed the fear that liberty of conscience, being liberty of the reason and so liberty of the individual man, was merely a cloak for licence, a doctrine undermining the very foundations of society. His predecessors had seen the difficulty which was involved in the theory that the magistrate had jurisdiction over all the laws of the second table. They had expressed the belief that covetousness would ultimately be punished no less than murder. But they never tabulated a theory to explain why the one sin was punishable by an earthly magistrate, and the other not. Locke's theory explained this. Instead of saying that positive law was a codification and enforcement of the law of nature as a whole, he said that it was the enforcement of that part of natural law which affects the preservation of life and property.

[1] Fox Bourne, I. p. 182.

Principles of civil legislation in its dealings with religious societies.

"Absolute liberty, just and true liberty, equal and impartial liberty, is the thing that we stand in need of[1]." "Liberty is to be free from restraint and violence from others, which cannot be where there is no law[2]." "The public good is the measure of all law-making[3]." These three sentences are the sum of Locke's political philosophy. What then are the laws which are to secure this liberty in matters of religion? Locke's solution of this problem is his most valuable contribution to the theory of toleration. The principle of legislation touching the control of religious assemblies suggested by him remains in force to-day. Roger Williams had already made an incidental comparison of religious and secular assemblies. Locke laid it down as a fixed rule that legislation affecting religious societies should be exactly the same as legislation affecting any other society. Human sacrifice, if performed in a church, is as criminal as an ordinary murder in civil life[4]. If for the preservation of cattle the slaughter of calves were made illegal, it would be as criminal to offer up calves in the process of religious worship as to kill them for food. If a man may take bread and wine in any posture at his home, as far as the State is concerned he may do likewise in Church[5]. If a man may use the Latin language in the market-place, he may, if he wishes, use it in the worship of God. A crime is a crime, wherever it is committed.

[1] Preface to the *Letter on Toleration*.
[2] *Of Civil Government*, ch. VI.
[3] *Letter* I, p. 19.
[4] *Ibid.*, p. 22.
[5] *Ibid.*, p. 34.

What is not criminal cannot be made criminal by being committed inside a religious assembly[1].

Locke realised as well as Hobbes that associations of citizens are apt to be dangerous to the State. He therefore considered that the magistrate had a right to dissolve any society that was prejudicial to peace or productive of disorder. In 1676 coffee houses were prohibited no less than conventicles. Locke would see no injustice in this. But, when coffee houses and claret clubs that permitted doubtful practices were left free from interruption, while conventicles keeping the peace and observing the civil laws of the land were forbidden, if nominally for political, really for doctrinal reasons, Locke considered that the true principles of legislation were being broken. Like all the apologists for the practices of dissenters, he urged that, if ever they were disorderly, it was only because they were persecuted. "Some enter into company for trade and profit: others for want of business have their clubs for claret. Neighbourhood joins some, and religion others. But there is one only thing which gathers people into seditious commotions, and that is oppression[2]."

[1] Cf. Dicey, *The Law of the Constitution*, p. 305, note: "A clergyman of the National Church, like a soldier of the National Army, is subject to duties and to Courts to which other Englishmen are not subject. He is bound by restrictions, as he enjoys privileges peculiar to his class, but the clergy are no more than soldiers exempt from the law of the land. Any deed which would be a crime or wrong, when done by a layman, is a crime or wrong when done by a clergyman, and is in either case dealt with by the ordinary tribunals."

[2] *Letter* I, p. 33.

Consequent toleration of all religions.

According to this principle all sects formed solely for the sake of religious worship must be left undisturbed. "If solemn assemblies, observation of festivals, public worship, be permitted to any one sort of professors; all these things ought to be permitted to the Presbyterians, Independents, Anabaptists, Arminians, Quakers and others, with the same liberty. Nay, if we may openly speak the truth, and as becomes one man to another, neither Pagan nor Mahometan, nor Jew, ought to be excluded from the civil rights of the commonwealth because of his religion. The Gospel commands no such thing....And the commonwealth which embraces indifferently all men that are honest, peaceable and industrious requires it not[1]." The State has control of men as citizens. Disbelief in a doctrine does not make bad citizens. The one connection of doctrine is with the salvation of the soul. The Cambridge Platonists had held that "orthodoxness" was a word unnecessary in religion[2]. Locke held that it was a word irrelevant in politics. "Every church is orthodox to itself[3]." None is orthodox to the magistrate, because doctrine is not in his sphere. Thus Locke was led to a theory of absolute religious liberty. No Englishman but Roger Williams had extended toleration to religions other than Christian. They had all insisted on the necessity of holding the fundamental doctrines of Christianity. Their refusal to extend toleration to

[1] *Letter* I, p. 35.
[2] More, *Grand Mystery of Godliness*, p. 494.
[3] *Letter* I, p. 11.

all had been frequently used as an argument against toleration[1]. It seemed only right that a principle claiming Reason as its basis should be extended to its logical conclusion. Locke answered this argument by forming a theory which was logically consistent, and bound to be accepted by all who would grant his original premise that the State has nothing to do with the world to come.

Exceptions: (a) Roman Catholicism and Mahometanism.

There were two exceptions in this system of religious liberty, both of them defended on logical grounds. Locke was careful to point out that the dogmas of the Roman Catholic religion are as tolerable as any other dogmas. "If a Roman Catholic believe that to be really the body of Christ, which another man calls bread, he does no injury thereby to his neighbour[2]." Unlike Milton he did not pretend to sit as judge upon the truth of the Roman Catholic religion. All that he did was to point to the political doctrines of the Papists, and those doctrines only. As they are treasonable and destructive to the security of all Protestant kingdoms they are intolerable. In the commonwealth of the Jews all idolatry was treason, because the government was an absolute theocracy[3]. In the kingdom of England any religion is treasonable which necessitates the acknowledgement of the supremacy of a foreign potentate, whether in Rome or Constantinople. Both Papists and Mahometans for this

[1] Cf. the opening passage in the Tract *Some queries concerning liberty of conscience directed to William Penn and Henry Care*; and *passim* in the pamphlets.

[2] *Letter* I, p. 26.

[3] *Ibid.*, p. 25.

reason come under the civil law of treason. Locke has been much blamed for refusing to include Papists in his scheme of toleration. If More could advocate a toleration for all Papists, who made a public promise not to disturb the existing state of society[1]; if Halifax could tolerate lay Papists, and advocate a general connivance at popery in England, bidding people genuinely to try "not to smell the match that was to have blown up the King and both Houses in the Gunpowder Treason[2]," if William of Orange, the European champion of Protestantism, "readily consented to a toleration of popery as well as of the dissenters provided it were proposed and passed in parliament[3]," although he firmly defended the retention of the tests for office as providing a genuine security; could not Locke have found an excuse to do likewise? Locke's attitude is generally taken in connection with the revocation of the Edict of Nantes, which had taken place in 1685. But the fear of the Catholic revival must have been just as lively in the minds of Halifax or of William. Nor does this explanation account for the equally uncompromising attitude to Papists in Locke's early essay[4]. Furthermore it passes over the refusal to tolerate Mahometanism. Locke could have made a proposal similar to that of either More, Halifax or William III, and still maintained the logical consistency of his theory.

[1] In *Grand Mystery of Godliness*, ch. xi.

[2] See his *Trimmer* and *Letter to a Dissenter*, Foxcroft, II. pp. 317 and 322.

[3] Cf. Burnet, pp. 251, 257, 264, also Fagel's letter to James Stewart in Somers' *Tracts*, IX. p. 184.

[4] Fox Bourne, I. p. 183.

But it did not suit his purpose. Locke's theory rested upon the recognition of the absolute and entire separation of Church and State, religion and politics, inward and outward concerns of life. In the two cases where these things were undeniably confused, Popery and Mahometanism, Locke was bound to emphasise the harmfulness of the confusion rather than the harmlessness of these religions in themselves. He put down all the disorders of society, the bloodshed, and the turmoil to the failure to distinguish secular from religious affairs. To make his attitude as clear as possible he advocated the exclusion from religious liberty of Mahometans, whom he knew to be practically negligible in English politics, as well as Papists, whom he knew to be far from negligible, not so much because they were dangerous, but because they were professors of a political religion.

(b) *Atheism.*

Locke's refusal to tolerate atheists, though not difficult to explain, is less easy to justify. He was of opinion that every rational creature must by a process of reason arrive at a belief in God. His belief in natural religion was closely akin to that of the Platonist, Cudworth, and his daughter, Lady Masham. Like the Platonists he held that it was necessary to have an antecedent belief in the existence of God in order to make the acceptance of His revealed word possible. For this reason a belief in God is something more than a doctrine. But even so, purely as a matter of inward interest to the individual, belief or disbelief is permissible. But Locke like all the thinkers of his age attached an

outward importance to a belief in God. Contractualists laid a special stress on oaths and covenants as being the instruments which make life in society possible. Oaths and promises are contracts or agreements made between man and man before God. A promise to do something implied "may God punish me if I do not do it." For this reason Locke in his draft of the laws of Carolina had made it necessary for all sects to make a statement of "the external way, whereby they witness a truth as in the presence of God." Hobbes had devoted parts of two chapters of the *Leviathan*[1] to the question of covenants. He had explained that the two things which induce men to keep their contracts and restrain them from evil-doing, are the fear of God and the fear of man. It was discovered that the fear of future punishment was not enough to keep men in the paths of justice. Therefore commonwealths were formed in order to force men to keep their contracts. "The validity of covenants begins not but with the constitution of a civil power sufficient to compel men to keep them[2]." Locke, in his turn, accepted these views of Hobbes. But, if it is the fear of present punishment more than the fear of future punishment which makes men keep their oaths and observe their contracts, it seems unnecessary to consider a belief in God essential to the existence of society. Locke had particularly divided moral actions into those which affect the community and those which affect only the individual. To avoid immediate punishment at the hands of the civil magistrate, a man is bound to

[1] Chh. xiv. and xv. [2] *Leviathan*, p. 94.

lead a life outwardly moral and to refrain from all forms of vice which have a deleterious effect on the State. The existence of God and the fear of eternal punishment are only relevant to his personal morality, which, it has been granted, has no political influence. Therefore the State will be safe as long as it enforces the laws of the external morality, which maintains it in peace and order.

But Locke believed that atheism contradicted the broader principle of government itself. Every citizen by remaining under the protection of the State gives a tacit consent to the original contract, on which the commonwealth was formed. However utilitarian this contract was in spirit, it presumed a confidence in the justice of natural law, which is the eternal unrevealed law of God. A tacit consent to the original contract given by all members of society, also implies a confidence in this divine law. This consent is impossible, if the existence of God is denied. From this point of view atheism is a rejection of the principle of order and reason in the universe. Atheism is not inconsistent with the utilitarian view of the State at which Locke was arriving. It is inconsistent with the view of a utilitarian State claiming an immutable foundation on a system of natural right.

Origin of Locke's theory in his combination of rationalism and utilitarianism.

This was the complete and consistent theory of toleration that Locke formed. Much of Locke's theory can be found in Williams, Milton, Penn, More, Cudworth, Taylor, Halifax—to say nothing of the numberless pamphleteers. But as handled by these writers toleration was never welded into a

compact theory. Locke performed this task. He had a strong belief in the power of reason and the rational element which alone distinguishes man from the animals. Because of this belief he felt no less strongly that each individual must have the liberty to use his power of reason. An implicit faith, a vicarious employment of reason, was to him unintelligible. Liberty of conscience seemed in the deepest sense a "natural right[1]," the essential possession of a rational creature.

But none the less Locke emphasised the other side of man's nature. Medicine and economics interested him no less than religion, the safety of men's bodies no less than the salvation of their souls. He was never tired of emphasising the sanctity of property, the natural right which a man has to preserve his life and enjoy the labour of his hands.

Locke, Petty and Hobbes.

It was the combination of these two views that produced a belief in toleration. Sir William Petty, the economist and contemporary of Locke, had the same admiration of the religious liberty in the Netherlands, as had all others interested in commerce. He was able to give a very good account of their theory[2]. But having no rationalistic belief in the rights of conscience he was not a genuine advocate of toleration. He saw the economic advantages. That was all. Consequently, although he gave the same grounds as Locke for punishing Dissenters, guilty of a breach of the civil peace, and atheists, who disbelieved in the immortality of the soul, he added a third ground. He believed that the

[1] *Letter* I, p. 32.

[2] *Works*, II. pp. 262–4.

magistrate had a right to punish any "false believers" for no other reason than their heterodoxy[1]. Hobbes, it is true, combined rationalism and utilitarianism. The reason why he failed to arrive at the same result as Locke is different. He believed that conscience was free, but he believed more strongly still in the danger of any departure from unity in the State. He upheld the doctrine of individual liberty of conscience, but he could not reconcile the existence of sects with the safety of society. Locke answered Hobbes' objections by his definition of the legal position of all the subordinate societies in a State and his insistence on refusing to tolerate popery or atheism.

Consistency of Locke's views.

Locke's rationalism gave him the principle of religious liberty. His Whiggism afforded the exceptions. Some of the champions of liberty of conscience had been led to introduce exceptions on rational grounds. The conscience of a Roman Catholic was in Milton's judgment no conscience, because he has given up the right to think for himself and to listen to the voice of God and Reason; and "New Presbyter is but old Priest writ large." The consciences of all Nonconformists were in the judgment of the Latitudinarians and Platonists no consciences, in so far as their religion was based on their affection for themselves and their ministers. Those, who have chosen not to use their reason, cannot expect

[1] "That the magistrate may punish false believers if he believe he shall offend God in forbearing it, is true; for the same reasons that men give for Liberty of Conscience and universal toleration." Petty, *Works*, I. p. 70.

to receive the privilege of rational creatures, liberty. Locke held these views himself; but, believing as he did that the magistrate has no right to inflict punishment or "change property amongst fellow-subjects, no not even by a law, for a cause that has no relation to the end of civil government[1]," he could only give political reasons for refusing religious liberty. It was nothing more than a coincidence that popery and atheism were the two religions, which were attacked on the double ground that they set no value on reason in addition to being politically unsafe. But this coincidence gave rise to confusion. So Locke is careful to explain that his reasons for excluding them from toleration are solely political. Toleration is a political principle. Politics are concerned with the material welfare of a state. It does not matter from this point of view if a man does neglect his rational faculties, provided that he is a peaceable citizen.

There is no poetry in Locke's conception. It is stern logic. He had no Miltonic love of battle and no common-place love of peace. He looked to no millennium, no state, where men glory in "mutual forbearance and bearing up one another as living stones of that Temple, where there is not to be heard the noise of either axe or hammer, no squabble or clamour about forms or opinions, but a peaceable study and endeavour of provoking one another to love and good works[2]." He stripped the question of all its poetry, and separating it, as far as he could,

[1] *Letter* I, p. 29.

[2] Quoted from More in Tulloch, II. p. 363.

from all subordinate controversies, left a naked scientific theory. He passed over the question of Comprehension as being a matter for Churches to decide among themselves. He just emphasised the one fact that a Church is nothing more than a civil association in its relation to the State.

Things had been moving in this direction through the period under discussion. The days were long gone when the clergy were exempt from the civil jurisdiction of the land. After 1664 they no longer claimed a separate system of taxation. Convocation was in a dying condition. The idea was already beginning to grow that the Church should enjoy no peculiar constitutional position. Locke extended this tendency and established once and for all the doctrine that religious societies must be subject to no greater legal restrictions than secular societies. This is the only logical basis for toleration.

§ 2.

Summary of the relations of Church and State. Their identification in the ancient world.

In the ancient world the relations of Church and State were of a simple nature. Among the Jews and among the Greeks and Romans the idea of a double life, in Church and State, was unthought of. The God of Abraham, Isaac and Jacob was in a sense a political God. It was He that led the Jews out of Egypt and won their battles, conquering the gods of the Philistines and the heathen nations that dwelt in and about the Land of Promise. It was the gods of Athens, whose images were carried on the ships at Marathon, that beat the Persian host. In the one case the State was the Church, in the other

case the Church was the State. The Jews considered themselves to be the chosen people of Jehovah, living in a peculiar sense under His government. That was all their political philosophy. The author of the book of Job, alone of the writers of the Old Testament, had a different conception of the ways of God. The Greeks found their religion in serving the State. Their gods were their selves idealised. By glorifying their State with sculpture, architecture, poetry, they felt that they were performing acts of worship. In their philosophy there is no belief that the State exists merely for the sake of life, that the Church is necessary for the good life. Aristotle emphatically stated that the village was enough for existence; the State was formed in order to make it possible for men to lead the good life. In other words religion and politics were entirely identified in both these systems. There was no movement for their separation. The Sophists tried to neglect religion, and the Stoics bade their followers avoid politics and live, as it were, apart from the world. But neither Sophists nor Stoics advocated a dual system, making a separation of politics and religion into two distinct spheres, and retaining both.

Their separation apparently asserted by Christianity but never realised in the Middle Ages.

Christianity introduced a new conception of society to the world. The definite command of Christ, "Render unto Caesar the things which are Caesar's and unto God the things that are God's," enunciated what has been one of the greatest problems of political science. It divided human activity into two definite spheres, it separated politics and theology, it distinguished Church and State.

Throughout the Middle Ages, Europe struggled to avoid all that this entailed. With a Pope supreme in matters spiritual and an Emperor supreme in matters temporal it retained the form of government which suggested this separation; but it witnessed a struggle that was never finished and a battle that was never won between this Pope and Emperor, each in his turn asserting his supremacy over the other and each encroaching on the other's sphere. There was little attempt to keep apart matters temporal and matters spiritual. The Emperor no less than the Pope was considered to be the direct representative of God on earth, and no matter whether the Pope or the Emperor succeeded in establishing himself as executive sovereign of Europe, the Holy Roman Empire was a great religious commonwealth, an extension based upon the New Testament of the old theocracy, under which the Jews had lived in accordance with the old covenant.

The idea of unity had a magical attraction in the Middle Ages. Not only did Christianity glory in the conception of one great State coextensive with the one true religion. Many Christians went further than this. They felt like the Stoics that there can be no unity in a life that is devoted to politics as well as to religion. And so some fled to the woods and rocks, and lived the lives of hermits ; others shut themselves off from worldly concerns in monasteries. The majority of men, feeling that religion and politics were not incompatible but had a common end and object, were contented with the single purpose of the theocratic system under

which they lived, and found in it the unity they desired.

The Reformation.

Schisms and heresies there were under the medieval system, but it was reserved for Luther to shatter once and for all the unity of the catholic church, the foundation on which the Holy Roman Empire was built, and to bequeath to Europe a second religion.

(a) Luther and Lutheranism. Church and State still identified.

After the peace of Augsburg in 1555, two distinct forms of Christianity were tolerated, not it is true by the Pope, but by the secular head of the Catholic religion, the Emperor, who had received from Christ the power of the sword to defend it. Lutheranism had fought for its existence with the sword and had triumphed. Charles V as imperial sovereign of both Lutheran and Catholic States occupied the peculiar position of being the one man in Europe pledged to toleration, forced by circumstances officially to permit variation in religion among his subjects.

The Lutheran and the Catholic princes subject to him were not bound to permit variety of religion in their State. Lutheran Churches, no less than the Church from which they dissented, were State Churches, and the subjects of a Lutheran State had to be members of the Lutheran Church or leave the State. Luther broke the unity of religion in the Empire, and did away in fact with the dual sovereignty which the Middle Ages had retained in form. He did not break the connection of Church and State. Their union was emphasised more clearly than ever in the principle of "cuius regio eius

religio"; and the connection of religion and politics in the Lutheran system was clearly shown in the duties of the magistrate. The absolute necessity of internal unity was expressed in the same two ways: (i) There can only be one religion in a State, (ii) The subjects of a State must not be made to "see double[1]" by having a separate civil and ecclesiastical authority, to both of which they are to give their allegiance.

Luther, like Hobbes and Machiavelli, was a strong believer in the State, but he could do no more than substitute an Erastian for a theocratic system. There is less difference in practice between these systems than may be supposed. Both presume a connection of the Church with politics. In the theocratic system the Church commands, in the Erastian system the Church advises.

Thus the Reformation had destroyed the idea of a universal dual sovereignty and had substituted in some quarters Erastianism for theocracy. In England a similar result was realised.

The Church of Henry VIII, the island Church of England, was like the Lutheran churches in Germany a State Church based on a uniformity of doctrine.

(b) Other sects. Existence of religious bodies unconnected with the State.

But the spirit which Luther had awakened was not satisfied with Lutheranism. Doctrine was bound to follow doctrine, and sect sect. Men were bound to revolt at a system by which they were compelled to follow an artificial principle and conform their religion to that of the sect established in the place of their birth. The Reformation really killed

[1] The phrase is Hobbes': *Leviathan*, p. 322.

the system of compulsory State Churches. In a unitary State like England the form of religious liberty which was given in the Empire by the peace of Augsburg was impossible[1]. In a federal State like the United Netherlands this solution was not accepted. The sects fought for their existence, as Lutheranism had done. They were recognised in the Netherlands by William the Silent, and in England by Cromwell, but not on the Augsburg lines. The sects were too numerous and some of them too small to be identified with separate territories. The experiment of having churches on a basis other than territorial was tried with success. The new system survived uninterrupted in the Netherlands. In England it was interrupted at the Restoration. With the return of Charles II the old system was restored, but not for long. The sects fought a second war for their existence, a war of words, in which life was lost on one side only; and this second time their victory was permanent.

Locke's justification of this.

The origin of the new system is to be seen in the new idea of the Church, which was held by Robert Browne and the Separatists in Elizabeth's reign and handed on to the Independents who succeeded them[2]. The political theory, which justified the existence of independent churches, was a long time in being developed. Althusius in Holland formed the theory of the State as a "consociatio consociationum," a civil society composed of subordinate

[1] It was tried without success with the Huguenots in France.

[2] Cf. the account of the meaning of a Church in the Savoy declaration of faith.

societies, social, political and religious, which owed allegiance to a common government[1]. Locke in England did the same thing. He accepted the Independents' idea of a Church and raised upon the basis of a Hobbist utilitarianism a theory of the State which would fit it. He gave up the second medieval unity. He encouraged the habit of "seeing double," which Hobbes had deprecated. He separated entirely politics from religion. He conceived of a State which could exist without a Church, and gave it a *raison d'être*. He left religion under the care of the various religious societies, which the State embraced, and defined the relation of these bodies with the State. Cromwell shattered the theory that one uniform religion is necessary to the existence of the State, but left the idea that the magistrate must be a godly man, who can administer the law of God with knowledge through the land. Locke exposed this second idea, and, taking all duties from the magistrate but the preservation of life and property, left the theory of a State giving liberty and protection to all societies that observe its laws and are not dangerous to its existence.

Toleration.

With the territorial coincidence of Church and State toleration is obviously impossible except in the sense meant by Jeremy Taylor in his conception of the liberty of prophesying. While the spheres of religion and politics are confused, the civil magistrate is justified in imposing the established religion of

[1] Cf. the account of Althusius in J. N. Figgis, *From Gerson to Grotius*.

the land. When the territorial coincidence of Church and State is broken and the existence of sects is established, the one thing requisite for the introduction of religious liberty is the recognition of the separation of the spheres of politics and religion. If the State ceases to claim the regulation of religion within its territories, the persecution that is countenanced by Act of Parliament ceases also. The subtler forms of social persecution can never be checked until the principle, which is neither natural nor obvious, that every man has a positive right to hold his own opinion and, if necessary, to differ from his fellows is recognised in its deepest significance by an entire people.

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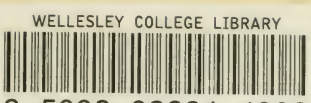

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